
Judiciary Committee

HB 1627

Title: An act relating to competency to stand trial evaluations.

Brief Description: Concerning competency to stand trial evaluations.

Sponsors: Representatives Morrell, Nealey, Zeiger, Jinkins and Ryu.

Brief Summary of Bill

- Provides that courts must ensure that competency evaluations for criminal defendants are timely and accurately completed.
- Establishes standards for court appointment of evaluators to conduct competency evaluations when performance targets are not being met in a county.

Hearing Date: 2/19/13

Staff: Edie Adams (786-7180).

Background:

In a criminal case, a court may require an evaluation of a defendant who may be incompetent to stand trial. A person who is incompetent may not be tried, convicted, or sentenced for a criminal offense as long as the incompetency continues. A person is incompetent if the person, as a result of a mental disease or defect, lacks the capacity to understand the nature of the criminal proceedings or to assist in his or her own defense.

Competency Evaluations.

When a criminal defendant's competency is in question, the court must appoint, or ask the Department of Social and Health Services (Department) to designate, a qualified expert or professional person to evaluate and report on the defendant's mental condition. The evaluator must be approved by the prosecuting attorney. The evaluator must assess the defendant in a jail, detention facility, the community, or the court, to determine whether an inpatient commitment is

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needed to complete an accurate evaluation. If an inpatient commitment is not necessary, the evaluator will complete the evaluation.

A court may commit a defendant for evaluation without an assessment if: (1) the defendant is charged with Murder in the first or second degree; (2) the court finds that a jail evaluation will be inadequate for an accurate evaluation; or (3) the court finds that an evaluation outside the jail is necessary for the health, safety, or welfare of the defendant.

Performance Targets.

In 2012 the Legislature established performance targets for the timely completion of competency evaluations (Chapter 256, Laws of 2012 (SSB 6492)). By November 1, 2012, competency evaluations for defendants in jail should be completed within seven days, and a defendant ordered to an inpatient evaluation should be admitted to a state hospital within seven days. By May 1, 2013, competency evaluations in the community for defendants released from custody should be completed within 21 days.

The Legislature recognized that these targets may not be achievable in all cases, but directed the Department to manage and allocate resources in order to meet these targets whenever possible without compromising the quality of competency evaluations. Beginning December, 2013, the Department must annually report on the timeliness of competency services. The Department must also report quarterly any instances where performance targets are not met and the corrective action taken to improve performance.

Summary of Bill:

The court is responsible for ensuring that competency evaluations for criminal defendants are timely and accurately completed in accordance with established performance targets.

In any six-month time period where the state hospital has not met the performance targets for competency evaluations in 50 percent of the cases submitted by any one county, the court must appoint a qualified expert or professional person approved by the prosecutor to evaluate and report on the defendant's mental condition. The DSHS must pay for the costs of the evaluator, in an amount determined to be fair and reasonable by the DSHS, if the defendant is indigent.

The statement that the Legislature recognizes that the performance targets may not be achievable in all cases without sacrificing the quality of competency services is deleted.

Appropriation: None.

Fiscal Note: Requested on February 13, 2013.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.