

SENATE BILL REPORT

SHB 2205

As Reported by Senate Committee On:
Law & Justice, February 28, 2014

Title: An act relating to mental status evaluations.

Brief Description: Modifying mental status evaluation provisions.

Sponsors: House Committee on Public Safety (originally sponsored by Representative Takko).

Brief History: Passed House: 2/17/14, 96-0.

Committee Activity: Law & Justice: 2/26/14, 2/28/14 [DP].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Kline, Ranking Member; Darneille, Pearson, Pedersen and Roach.

Staff: Aldo Melchiori (786-7439)

Background: If a court finds that reasonable grounds exist to believe that the offender is a person with a mental illness and that this condition is likely to have influenced the offense, the court may order an offender whose sentence includes community placement or community supervision to undergo a mental status evaluation and to participate in available outpatient mental health treatment. The order must be based on a presentence report and any mental status evaluations that may have been filed with the court to determine the offender's competency or eligibility for a defense of insanity.

In *State v. Robert Locke* (2013), the trial court sentenced Locke to 12 month's confinement and ordered a mental health evaluation and treatment as a sentencing condition without first obtaining the required presentence report. The state conceded the error and the case was remanded to the trial court to vacate the sentence condition.

Summary of Bill: If a court determines that an offender to be sentenced may be a mentally ill person, although the offender has not established that at the time of the crime the offender lacked the capacity to commit the crime, was incompetent to commit the crime, or was insane at the time of the crime, the court may, but is not required to, order the Department of Corrections to complete a presentence report before imposing a sentence.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

If a court finds that reasonable grounds exist to believe that the offender is a person with a mental illness and that this condition is likely to have influenced the offense, the court may order an offender whose sentence includes community placement or community supervision to undergo an outpatient mental status evaluation and to participate in available outpatient mental health treatment. The order may, but is not required to, be based on a presentence report and any mental status evaluations that may have been filed with the court to determine the offender's competency or eligibility for a defense of insanity.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This is a simple bill to respond to a court case. It will allow judges to order appropriate mental health evaluations and treatment in appropriate cases.

Persons Testifying: PRO: Representative Takko, prime sponsor.