
SECOND SUBSTITUTE HOUSE BILL 1627

State of Washington

63rd Legislature

2013 Regular Session

By House Appropriations (originally sponsored by Representatives Morrell, Nealey, Zeiger, Jinkins, and Ryu)

READ FIRST TIME 03/01/13.

1 AN ACT Relating to competency to stand trial evaluations; adding a
2 new section to chapter 10.77 RCW; and providing an expiration date.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 10.77 RCW
5 to read as follows:

6 (1) If the state hospital has not met the performance targets
7 established in RCW 10.77.068 for timely completion of competency
8 evaluations and restorations of competency in order to stand trial in
9 fifty percent of cases submitted by any one county, as documented in
10 the most recent quarterly report under RCW 10.77.068(3) or confirmed by
11 records maintained by the department, the court of that county may
12 appoint a qualified expert or professional person, whom the prosecuting
13 attorney and defense attorney shall approve, to evaluate and report
14 upon the mental condition of the defendant. When determining his or
15 her approval of a qualified expert or professional person, the
16 prosecuting attorney may take into account, among other factors,
17 whether it is more likely than not that an evaluation in the jail by a
18 qualified expert or professional person will be inadequate to complete
19 an accurate evaluation.

1 (2) A court that appoints a qualified expert or professional person
2 under this section shall do so from a list of qualified experts or
3 professional persons assembled with participation by representatives of
4 the prosecuting attorney and the defense bar.

5 (3) A qualified expert or professional person appointed by a court
6 for an indigent person under this section should be compensated for
7 competency evaluations in an amount that will encourage in-depth
8 evaluation reports. Subject to the availability of amounts
9 appropriated for this specific purpose, the department must reimburse
10 the county for the costs of a qualified expert or professional person
11 appointed for an indigent person under this section in an amount
12 determined by the department to be fair and reasonable. The amount of
13 reimbursement established by the department must at least meet the
14 equivalent amount for evaluations conducted by the department. The
15 county is responsible for the costs of the evaluation that exceed the
16 amount reimbursed by the department. The county shall maintain data on
17 the timeliness of competency evaluations completed under this section.

18 (4) This section expires June 30, 2016.

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