
Judiciary Committee

HB 1426

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

Brief Description: Concerning competency to stand trial evaluations.

Sponsors: Representatives Jinkins, Nealey, Sawyer, Kochmar, Muri, Fey, Zeiger and Kilduff.

Brief Summary of Bill

- Extends the expiration date of a statute that provides for state reimbursement to counties for the costs of appointing independent competency evaluators for in-custody defendants, and expands the grounds under which a county may request the reimbursement.

Hearing Date: 1/29/15

Staff: Edie Adams (786-7180).

Background:

A criminal defendant is incompetent to stand trial if, due to a mental disease or defect, he or she lacks the capacity to understand the nature of the proceedings or is unable to assist in his or her own defense. A defendant who is incompetent may not be tried, convicted, or sentenced for a criminal offense as long as the incompetency continues.

When a defendant's competency is in question, the court must either appoint, or ask the Department of Social and Health Services (Department) to designate, a qualified expert to evaluate and report on the defendant's mental condition. The evaluator must assess the defendant in a jail, detention facility, the community, or the court to determine whether an inpatient commitment is needed to complete an accurate evaluation. If an inpatient commitment is not necessary, the evaluator will complete the evaluation.

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.

In 2012, the Legislature established performance targets for the timely completion of competency evaluations. 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. Competency evaluations in the community for defendants released from custody should be completed within 21 days. The Department must report annually on the timeliness of competency services, and report quarterly any instances where performance targets are not met and the corrective action taken to improve performance.

Legislation enacted in 2013 (Chapter 284, Laws of 2013) requires the Department to reimburse a county for the cost of appointing a qualified expert to conduct a competency evaluation for a defendant in jail if the Department has not met performance targets for competency evaluations for in-custody defendants in 50 percent of the cases submitted by the county during the most recent quarter. The Department must reimburse the county for the costs of the competency evaluator in an amount that is at least equivalent to the amount for evaluations conducted by the Department. The reimbursement requirement is subject to funds appropriated for this purpose, and it is set to expire June 30, 2016.

Summary of Bill:

The statute that requires the Department to reimburse counties for the cost of appointing competency evaluators for in custody defendants is extended from 2016 to 2019, and an additional ground under which a county may seek reimbursement is established. The county may request reimbursement if the Department in the most recent quarter did not perform at least one-third of the number of jail-based competency evaluations for in-custody defendants as were performed by qualified experts appointed by the court. Reimbursement is subject to funds appropriated for this purpose.

Appropriation: None.

Fiscal Note: Requested on January 22, 2015.

Effective Date: The bill contains an emergency clause and takes effect immediately.