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## Judiciary Committee

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### SB 5101

**Title:** An act relating to mental status evaluations.

**Brief Description:** Modifying mental status evaluation provisions.

**Sponsors:** Senators Padden and O'Ban.

<p style="text-align: center;"><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Provides that a sentencing court ordering a mental status evaluation or outpatient mental health treatment may, but is not required to, base the order on a presentence report.</li></ul>
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**Hearing Date:** 3/12/15

**Staff:** Omeara Harrington (786-7136).

**Background:**

Prior to sentencing, if a court determines that the defendant may be a mentally ill person, although the defendant has not established that at the time of the offense he or she lacked capacity to commit the crime, was incompetent to commit the crime, or was insane at the time of the crime, the court must order the Department of Corrections (DOC) to complete a presentence report. A presentence report contains the defendant's criminal history and information about the defendant's characteristics, financial condition, and the circumstances affecting the defendant's behavior as may be relevant in imposing sentence, as well as information about the victim, and other information as required by the court.

When entering a sentence that includes community placement or community supervision, the court may order the offender to undergo a mental status evaluation and to participate in available outpatient mental health treatment if the court finds reasonable grounds to believe that the offender is a mentally ill person and that the person's condition likely influenced the offense. An order requiring a mental status evaluation or treatment must be based on a presentence report,

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and, if applicable, mental status evaluations that have been filed with the court to determine the offender's competency or eligibility for a defense of insanity.

**Summary of Bill:**

An order for an offender to undergo a mental status evaluation and to participate in available outpatient mental health treatment, may, but is not required to, be based on a presentence report.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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