

HOUSE BILL REPORT

SB 5101

As Reported by House Committee On:
Judiciary

Title: An act relating to mental status evaluations.

Brief Description: Modifying mental status evaluation provisions.

Sponsors: Senators Padden and O'Ban.

Brief History:

Committee Activity:

Judiciary: 3/12/15, 4/1/15 [DP].

Brief Summary of Bill

- 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.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 13 members: Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman, Haler, Hansen, Kirby, Klippert, Muri, Orwall, Stokesbary and Walkinshaw.

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

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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, 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 or 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.

Staff Summary of Public Testimony:

(In support) This bill is by request of the Superior Court Judges Association and is a one word change from "must" to "may." The bill reflects current practice. Currently, presentence reports are typically not done. In *State v. Locke*, the court held it was error to order a mental status evaluation in absence of a presentence report. If the court finds a need exists they should be able to enter that order. This will enhance public safety, and will maintain the court's discretion to order mental health treatment.

(Opposed) None.

Persons Testifying: Senator Padden, prime sponsor; and Tom Parker, Superior Court Judges Association.

Persons Signed In To Testify But Not Testifying: None.