

# SENATE BILL REPORT

## SB 5101

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As Passed Senate, February 24, 2015

**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:** Law & Justice: 1/15/15, 1/20/15 [DP].

Passed Senate: 2/24/15, 47-0.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Darneille, Kohl-Welles, Pearson and Roach.

**Staff:** Tim Ford (786-7423)

**Background:** If a court finds that reasonable grounds exist to believe that an 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 months' 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:** The order for mental status evaluation and treatment may, but is not required to, be based on the presentence report.

**Appropriation:** None.

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*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.*

**Fiscal Note:** Not requested.

**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 bill is a technical change to acknowledge reality. The Department of Corrections no longer files presentence reports and the court should be able to order mental evaluation even in the absence of a presentence report. Where there is a dispute, a judge may receive testimony to answer questions regarding who should conduct an evaluation and what treatment may be best.

**Persons Testifying:** PRO: Judge Greg Canova (ret.); Seth Dawson, National Alliance on Mental Illness.