

FINAL BILL REPORT

SB 5101

C 80 L 15
Synopsis as Enacted

Brief Description: Modifying mental status evaluation provisions.

Sponsors: Senators Padden and O'Ban.

Senate Committee on Law & Justice
House Committee on Judiciary

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: The order for mental status evaluation and treatment may, but is not required to, be based on the presentence report.

Votes on Final Passage:

Senate	47	0
House	97	0

Effective: July 24, 2015

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.