
SUBSTITUTE HOUSE BILL 1513

State of Washington

66th Legislature

2019 Regular Session

By House Civil Rights & Judiciary (originally sponsored by Representatives Jinkins, Irwin, Goodman, Tharinger, Kilduff, Cody, Frame, Bergquist, Doglio, Reeves, and Leavitt; by request of Office of the Governor)

READ FIRST TIME 02/22/19.

1 AN ACT Relating to providing timely competency evaluations and
2 restoration services to persons suffering from behavioral health
3 disorders within the framework of the forensic mental health care
4 system consistent with the requirements agreed to in the Trueblood
5 settlement agreement; amending RCW 10.31.110, 10.77.086, and
6 10.77.088; adding new sections to chapter 10.77 RCW; creating a new
7 section; and providing an expiration date.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

9 NEW SECTION. **Sec. 1.** The legislature recognizes that there has
10 been a nationwide increase in the number of individuals with
11 behavioral health disorders in the criminal justice system. The
12 legislature also recognizes that reforms must be made to our own
13 behavioral health systems and services to meet the increasing demands
14 in our state, to provide timely competency evaluations and
15 restoration services, and to comply with federal court orders issued
16 in *A.B., by and through Trueblood, et al., v. DSHS, et al.*, No.
17 15-35462 ("Trueblood"). The legislature acknowledges that these
18 reforms will require the support of a broad range of stakeholders,
19 including local law enforcement, prosecuting attorneys, defense
20 attorneys, community members, and health care providers. The
21 legislature further acknowledges the significant efforts of the

1 parties to the Trueblood litigation to establish a roadmap and
2 framework within their settlement agreement for proposed systemic
3 reforms to the forensic mental health care system. It is the intent
4 of the legislature to enact appropriate reforms consistent with the
5 goals agreed to in the Trueblood settlement agreement, to continue to
6 engage with stakeholders and community partners to address the needs
7 of this vulnerable population, and to ensure that the public safety
8 needs of our communities are met.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 10.77
10 RCW to read as follows:

11 (1) Subject to the limitations described in this subsection, a
12 court may appoint an impartial forensic navigator employed by or
13 contracted with the department to assist individuals who have been
14 referred for competency evaluation or restoration.

15 (2) A forensic navigator must assist the individual to navigate
16 the legal process and to access available behavioral health
17 resources. During pending criminal proceedings, the forensic
18 navigator must assist the individual, prosecuting attorney, defense
19 attorney, and the court to understand the options available to the
20 individual and be accountable as an officer of the court for faithful
21 execution of the responsibilities outlined in this section.

22 (3) Unless otherwise directed by the court, the duties of the
23 forensic navigator during a pending criminal proceeding include, but
24 are not limited to, the following:

25 (a) To collect relevant information about the individual,
26 including any relevant background, prior behavioral health history,
27 prior records of competency evaluation and restoration treatment, the
28 circumstances of the individual leading up to the current matter
29 before the court, and services available to the individual that would
30 support placement in outpatient restoration, diversion, or some
31 combination of these;

32 (b) To present information to the court in order to assist the
33 court in understanding the options available to the individual and
34 determining whether placement in outpatient restoration, diversion,
35 or some combination of these is appropriate for the individual;

36 (c) To assess the individual's housing status in order to
37 determine whether residential supports are needed in order to engage
38 in outpatient restoration or diversion programs, and to coordinate

1 access to housing for these individuals if ordered to outpatient
2 restoration;

3 (d) To facilitate a coordinated transition to outpatient
4 restoration, diversion, and other community resources, or some
5 combination of these; and

6 (e) To monitor all court orders for compliance and to bring to
7 the court's attention any change in circumstances that may require a
8 modification of the court's order.

9 (4) Forensic navigators may submit nonclinical recommendations to
10 the court regarding treatment and restoration options for the
11 individual, which the court may consider and weigh in conjunction
12 with the recommendations of all of the parties.

13 (5) Forensic navigators shall be deemed officers of the court for
14 the purpose of immunity from civil liability.

15 (6) The signed order for competency evaluation from the court
16 shall serve as authority for the forensic navigator to be given
17 access to all records held by a behavioral health, educational, or
18 law enforcement agency or a correctional facility that relates to an
19 individual's connections to community resources, criminal history,
20 and other relevant information necessary for the development of
21 treatment and restoration options for an individual. Information that
22 is protected by state or federal law, including health information,
23 shall not be entered into the court record without the consent of the
24 individual or the individual's defense attorney. Any information
25 collected and shared with parties by the forensic navigator shall be
26 used solely for the purposes of assessing an individual's
27 appropriateness for outpatient restoration, diversion, or some
28 combination of these.

29 (7) A forensic navigator shall not report or be examined as to
30 any communication made by the individual to the forensic navigator,
31 without the consent of the individual or the individual's attorney.

32 (8) A court may not issue an order appointing a forensic
33 navigator unless the department certifies that there is adequate
34 forensic navigator capacity to provide these services at the time the
35 order is issued.

36 **Sec. 3.** RCW 10.31.110 and 2014 c 225 s 57 are each amended to
37 read as follows:

38 (1) When a police officer has reasonable cause to believe that
39 the individual has committed acts constituting a (~~nonfelony~~) crime

1 (~~that is not a serious offense as identified in RCW 10.77.092~~), and
2 the individual is known by history or consultation with the
3 behavioral health organization, managed care organization, behavioral
4 health administrative services organization, crisis hotline, or local
5 crisis services providers to suffer from a mental disorder, the
6 arresting officer may:

7 (a) Take the individual to a crisis stabilization unit as defined
8 in RCW 71.05.020(~~(+6)~~). Individuals delivered to a crisis
9 stabilization unit pursuant to this section may be held by the
10 facility for a period of up to twelve hours. The individual must be
11 examined by a mental health professional within three hours of
12 arrival;

13 (b) Take the individual to a triage facility as defined in RCW
14 71.05.020. An individual delivered to a triage facility which has
15 elected to operate as an involuntary facility may be held up to a
16 period of twelve hours. The individual must be examined by a mental
17 health professional within three hours of arrival;

18 (c) Refer the individual to a mental health professional for
19 evaluation for initial detention and proceeding under chapter 71.05
20 RCW; or

21 (d) Release the individual upon agreement to voluntary
22 participation in outpatient treatment.

23 (2) If the individual is released to the community, the mental
24 health provider shall make reasonable efforts to inform the arresting
25 officer of the planned release (~~(within a reasonable period of time~~
26 ~~after the)~~) prior to release if the arresting officer has
27 specifically requested notification and provided contact information
28 to the provider.

29 (3) In deciding whether to refer the individual to treatment
30 under this section, the police officer (~~(shall)~~) must be guided by
31 (~~(standards)~~) local law enforcement diversion guidelines for
32 behavioral health developed and mutually agreed upon with the
33 prosecuting authority(~~(, which)~~) with an opportunity for consultation
34 and comment by the defense bar and disability community. These
35 guidelines must address, at a minimum, the length, seriousness, and
36 recency of the known criminal history of the individual, the mental
37 health history of the individual, (~~(where)~~) if available, the
38 opinions of a mental health professional, if available, and the
39 circumstances surrounding the commission of the alleged offense. The
40 guidelines must include a process for clearing outstanding warrants

1 or referring the individual for assistance in clearing outstanding
2 warrants, if any, and issuing a new court date, if appropriate,
3 without booking or incarcerating the individual or disqualifying him
4 or her from referral to treatment under this section, and define the
5 circumstances under which such action is permissible.

6 (4) Any agreement to participate in treatment shall not require
7 individuals to stipulate to any of the alleged facts regarding the
8 criminal activity as a prerequisite to participation in a mental
9 health treatment alternative. The agreement is inadmissible in any
10 criminal or civil proceeding. The agreement does not create immunity
11 from prosecution for the alleged criminal activity.

12 (5) If an individual violates such agreement and the mental
13 health treatment alternative is no longer appropriate:

14 (a) The mental health provider shall inform the referring law
15 enforcement agency of the violation; and

16 (b) The original charges may be filed or referred to the
17 prosecutor, as appropriate, and the matter may proceed accordingly.

18 (6) The police officer is immune from liability for any good
19 faith conduct under this section.

20 (7) The Washington association of sheriffs and police chiefs
21 shall collect and maintain a file of written local law enforcement
22 diversion guidelines for behavioral health developed pursuant to
23 subsection (3) of this section.

24 **Sec. 4.** RCW 10.77.086 and 2015 1st sp.s. c 7 s 5 are each
25 amended to read as follows:

26 (1)(a) ~~((i))~~ If the defendant is charged with a felony and
27 determined to be incompetent, until he or she has regained the
28 competency necessary to understand the proceedings against him or her
29 and assist in his or her own defense, but in any event for a period
30 of no longer than ninety days, the court:

31 ~~((A))~~ (i) Shall commit the defendant to the custody of the
32 secretary who shall place such defendant in an appropriate facility
33 of the department for ~~((evaluation and treatment))~~ a period of ninety
34 days for inpatient competency restoration, which includes only the
35 time the defendant is actually at the facility and is in addition to
36 reasonable time for transport to or from the facility; or

37 ~~((B))~~ (ii) May alternatively order the defendant to undergo
38 ~~((evaluation and treatment))~~ outpatient competency restoration
39 at some other facility or provider as determined by the department, or

1 under the guidance and control of a professional person. The
2 facilities or providers may include community mental health providers
3 or other local facilities that contract with the department and are
4 willing and able to provide treatment under this section. (~~During~~
5 ~~the 2015-2017 fiscal biennium, the department may contract with one~~
6 ~~or more cities or counties to provide competency restoration services~~
7 ~~in a city or county jail if the city or county jail is willing and~~
8 ~~able to serve as a location for competency restoration services and~~
9 ~~if the secretary determines that there is an emergent need for beds~~
10 ~~and documents the justification, including a plan to address the~~
11 ~~emergency. Patients receiving competency restoration services in a~~
12 ~~city or county jail must be physically separated from other~~
13 ~~populations at the jail and restoration treatment services must be~~
14 ~~provided as much as possible within a therapeutic environment.~~

15 ~~(ii) The ninety day period for evaluation and treatment under~~
16 ~~this subsection (1) includes only the time the defendant is actually~~
17 ~~at the facility and is in addition to reasonable time for transport~~
18 ~~to or from the facility.)~~

19 (A) To be eligible for an order for outpatient competency
20 restoration, a defendant must be:

21 (I) Adherent to medications or willing to receive prescribed
22 intravenous medication;

23 (II) Abstinent from alcohol or unprescribed drugs; and

24 (III) Clinically stable.

25 (B) If the court orders outpatient competency restoration, the
26 court shall modify conditions of release as needed to authorize the
27 department to place the person in approved housing, which may include
28 access to supported housing, affiliated with a contracted outpatient
29 competency restoration program. The department must establish
30 conditions of participation in the outpatient competency restoration
31 program which must include the defendant being subject to medication
32 monitoring and daily urinalysis. The outpatient competency
33 restoration program shall monitor the defendant during the
34 defendant's placement in the program and report any noncompliance or
35 significant changes with respect to the defendant to the department
36 and, if applicable, the forensic navigator. The period for outpatient
37 competency restoration must be for up to sixty days, notwithstanding
38 (b) of this subsection.

39 (C) If the defendant fails to comply with the terms and
40 conditions of his or her conditional release or is in need of

1 additional care and treatment such that outpatient restoration
2 treatment is no longer appropriate, the department shall remove the
3 defendant from the outpatient restoration program and place the
4 defendant in an appropriate facility of the department for inpatient
5 competency restoration. The department shall notify the court and
6 parties of the change in placement before the close of the next
7 judicial day. The court shall schedule a hearing within five days to
8 determine whether the court should reinstate or modify the
9 defendant's conditional release or order the defendant into inpatient
10 competency restoration. The standard of proof at the hearing shall be
11 a preponderance of the evidence. To order a defendant to inpatient
12 competency restoration, the court shall consider:

13 (I) Information and opinions from an evaluator designated by the
14 department as to whether the defendant is likely to regain competency
15 in an outpatient competency restoration setting; and

16 (II) Information provided by the outpatient restoration treatment
17 provider and forensic navigator as to whether the defendant is able
18 to meaningfully complete or participate in an outpatient competency
19 restoration program.

20 (D) If after a hearing, the court finds that outpatient
21 competency restoration treatment is no longer an appropriate
22 placement for the defendant, the court shall commit the defendant to
23 the custody of the secretary who shall place such defendant in an
24 appropriate facility of the department for inpatient competency
25 restoration treatment for no longer than the time period authorized
26 in the original court order, in addition to reasonable time for
27 transport to or from the facility.

28 (E) If after a hearing, the court finds that outpatient
29 competency restoration treatment continues to be an appropriate
30 placement for the defendant, the defendant shall be released to
31 continue his or her outpatient competency restoration treatment for
32 no longer than the time period authorized in the original court
33 order, in addition to reasonable time for transport to or from the
34 facility.

35 (F) Nothing in this section shall prevent an outpatient
36 competency restoration treatment provider from referring a defendant
37 to a mental health professional for evaluation and treatment for
38 initial detention proceedings under chapter 71.05 RCW. The provider
39 shall immediately notify the parties if the defendant is detained
40 under chapter 71.05 RCW.

1 (G) The court may not issue an order for outpatient competency
2 restoration unless the department certifies that there is an
3 available appropriate outpatient competency restoration program that
4 has adequate space for the person at the time the order is issued, or
5 the court has identified an appropriate professional person who will
6 provide guidance and control for outpatient restoration.

7 (b) Except as provided in (a)(ii)(B) of this subsection, for a
8 defendant whose highest charge is a class C felony, or a class B
9 felony that is not classified as violent under RCW 9.94A.030, the
10 maximum time allowed for the initial period of commitment for
11 competency restoration is forty-five days. The forty-five day period
12 includes only the time the defendant is actually at the facility and
13 is in addition to reasonable time for transport to or from the
14 facility.

15 (c) If the court determines or the parties agree that the
16 defendant is unlikely to regain competency, the court may dismiss the
17 charges without prejudice without ordering the defendant to undergo
18 restoration treatment, in which case the court shall order that the
19 defendant be referred for evaluation for civil commitment in the
20 manner provided in subsection (4) of this section.

21 (2) On or before expiration of the initial period of commitment
22 under subsection (1) of this section the court shall conduct a
23 hearing, at which it shall determine whether or not the defendant is
24 incompetent.

25 (3) If the court finds by a preponderance of the evidence that a
26 defendant charged with a felony is incompetent, the court shall have
27 the option of extending the order of commitment or alternative
28 treatment for an additional period of ninety days, but the court must
29 at the time of extension set a date for a prompt hearing to determine
30 the defendant's competency before the expiration of the second
31 restoration period. The defendant, the defendant's attorney, or the
32 prosecutor has the right to demand that the hearing be before a jury.
33 No extension shall be ordered for a second or third restoration
34 period as provided in subsection (4) of this section if the
35 defendant's incompetence has been determined by the secretary to be
36 solely the result of a developmental disability which is such that
37 competence is not reasonably likely to be regained during an
38 extension. The ninety-day period includes only the time the defendant
39 is actually at the facility and is in addition to reasonable time for
40 transport to or from the facility.

1 (4) For persons charged with a felony, at the hearing upon the
2 expiration of the second restoration period or at the end of the
3 first restoration period in the case of a defendant with a
4 developmental disability, if the jury or court finds that the
5 defendant is incompetent, or if the court or jury at any stage finds
6 that the defendant is incompetent and the court determines that the
7 defendant is unlikely to regain competency, the charges shall be
8 dismissed without prejudice, and the court shall order the defendant
9 be committed to a state hospital as defined in RCW 72.23.010 for up
10 to seventy-two hours starting from admission to the facility,
11 excluding Saturdays, Sundays, and holidays, for evaluation for the
12 purpose of filing a civil commitment petition under chapter 71.05
13 RCW. The criminal charges shall not be dismissed if the court or jury
14 finds that: (a) The defendant (i) is a substantial danger to other
15 persons; or (ii) presents a substantial likelihood of committing
16 criminal acts jeopardizing public safety or security; and (b) there
17 is a substantial probability that the defendant will regain
18 competency within a reasonable period of time. In the event that the
19 court or jury makes such a finding, the court may extend the period
20 of commitment for up to an additional six months. The six-month
21 period includes only the time the defendant is actually at the
22 facility and is in addition to reasonable time for transport to or
23 from the facility.

24 **Sec. 5.** RCW 10.77.088 and 2016 sp.s. c 29 s 411 are each amended
25 to read as follows:

26 (1)~~((a))~~ If the defendant is charged with a nonfelony crime
27 which is a serious offense as identified in RCW 10.77.092 and found
28 by the court to be not competent, then the court:

29 (a) Shall dismiss proceedings and detain the defendant for
30 sufficient time to allow the designated crisis responder to evaluate
31 the defendant and consider initial detention proceedings under
32 chapter 71.05 RCW, unless the prosecutor objects to the dismissal and
33 provides notice of a motion for an order for competency restoration.
34 The court must give notice to all parties at least twenty-four hours
35 before the dismissal of any proceeding under this subsection, and
36 provide an opportunity for a hearing within five days on whether to
37 dismiss the proceedings. The prosecuting attorney must serve upon the
38 defendant's attorney any evidence within twenty-four hours of
39 requesting a hearing.

1 (b) At the hearing, the prosecuting attorney must establish that
2 there is a compelling state interest to order competency restoration
3 treatment for the defendant. The court may consider prior criminal
4 history, prior history in treatment, prior history of violence, the
5 quality and severity of the pending charges, and any history that
6 suggests whether or not competency restoration treatment is likely to
7 be successful. If the prosecuting attorney proves by a preponderance
8 of the evidence that there is a compelling state interest in ordering
9 restoration, then the court shall order competency restoration in
10 accordance with subsection (2)(a) of this section.

11 (2)(a) If a court finds pursuant to subsection (1)(a)(ii) of this
12 section that there is a compelling state interest in pursuing
13 competency restoration treatment, then the court:

14 (i) Shall commit the defendant to the custody of the secretary
15 who shall place such defendant in an appropriate facility of the
16 department for ~~((evaluation and treatment))~~ inpatient competency
17 restoration;

18 (ii) May alternatively order the defendant to undergo
19 ~~((evaluation and treatment))~~ outpatient competency restoration at
20 some other facility or provider as determined by the department, or
21 under the guidance and control of a professional person. The
22 facilities or providers may include community mental health providers
23 or other local facilities that contract with the department and are
24 willing and able to provide treatment under this section. ~~((During~~
25 ~~the 2015-2017 fiscal biennium, the department may contract with one~~
26 ~~or more cities or counties to provide competency restoration services~~
27 ~~in a city or county jail if the city or county jail is willing and~~
28 ~~able to serve as a location for competency restoration services and~~
29 ~~if the secretary determines that there is an emergent need for beds~~
30 ~~and documents the justification, including a plan to address the~~
31 ~~emergency. Patients receiving competency restoration services in a~~
32 ~~city or county jail must be physically separated from other~~
33 ~~populations at the jail and restoration treatment services must be~~
34 ~~provided as much as possible within a therapeutic environment.))~~

35 (A) To be eligible for an order for outpatient competency
36 restoration, a defendant must be:

37 (I) Adherent to medications or willing to receive prescribed
38 intravenous medication;

39 (II) Abstinent from alcohol or unprescribed drugs; and

40 (III) Clinically stable.

1 (B) If the court orders outpatient competency restoration, the
2 court shall modify conditions of release as needed to authorize the
3 department to place the person in approved housing, which may include
4 access to supported housing, affiliated with a contracted outpatient
5 competency restoration program. The department must establish
6 conditions of participation in the outpatient competency restoration
7 program which must include the defendant being subject to medication
8 monitoring and daily urinalysis. The outpatient competency
9 restoration program shall monitor the defendant during the
10 defendant's placement in the program and report any noncompliance or
11 significant changes with respect to the defendant to the department
12 and, if applicable, the forensic navigator. The period for outpatient
13 competency restoration must be for up to sixty days, notwithstanding
14 (b) of this subsection.

15 (C) If the defendant fails to comply with the terms and
16 conditions of his or her conditional release or is in need of
17 additional care and treatment such that outpatient restoration
18 treatment is no longer appropriate, the department shall remove the
19 defendant from the outpatient restoration program and place the
20 defendant in an appropriate facility of the department for inpatient
21 competency restoration. The department shall notify the court and
22 parties of the change in placement before the close of the next
23 judicial day. The court shall schedule a hearing within five days to
24 determine whether the court should reinstate or modify the
25 defendant's conditional release or order the defendant into inpatient
26 competency restoration. The standard of proof at the hearing shall be
27 a preponderance of the evidence. To order a defendant to inpatient
28 competency restoration, the court shall consider:

29 (I) Information and opinions from an evaluator designated by the
30 department as to whether the defendant is likely to regain competency
31 in an outpatient competency restoration setting; and

32 (II) Information provided by the outpatient restoration treatment
33 provider and forensic navigator as to whether the defendant is able
34 to meaningfully complete or participate in an outpatient competency
35 restoration program.

36 (D) If after a hearing, the court finds that outpatient
37 competency restoration treatment is no longer an appropriate
38 placement for the defendant, the court shall commit the defendant to
39 the custody of the secretary who shall place such defendant in an
40 appropriate facility of the department for inpatient competency

1 restoration treatment. The inpatient competency restoration period
2 following a change in placement under this subsection must be the
3 same length as if the defendant had been initially placed into
4 inpatient competency restoration and any time periods spent in
5 outpatient competency restoration must be disregarded.

6 (E) If after a hearing, the court finds that outpatient
7 competency restoration treatment continues to be an appropriate
8 placement for the defendant, the defendant shall be released to
9 continue his or her outpatient competency restoration treatment for
10 no longer than the time period authorized in the original court
11 order, in addition to reasonable time for transport to or from the
12 facility.

13 (F) Nothing in this section shall prevent an outpatient
14 competency restoration treatment provider from referring a defendant
15 to a mental health professional for evaluation and treatment for
16 initial detention proceedings under chapter 71.05 RCW. The provider
17 shall immediately notify the parties if the defendant is detained
18 under chapter 71.05 RCW.

19 (G) The court may not issue an order for outpatient competency
20 restoration unless the department certifies that there is an
21 available appropriate outpatient competency restoration program that
22 has adequate space for the person at the time the order is issued, or
23 the court has identified an appropriate professional person who will
24 provide guidance and control for outpatient restoration.

25 (b) Except as provided in (a)(ii)(B) of this subsection, the
26 placement under (a)(i) (~~and (ii)~~) of this subsection shall not
27 exceed (~~fourteen~~) twenty-nine days (~~in addition to any unused time~~
28 of the evaluation under RCW 10.77.060. The court shall compute this
29 total period and include its computation in the order. The fourteen-
30 day period plus any unused time of the evaluation under RCW 10.77.060
31 shall)). This period must be considered to include only the time the
32 defendant is actually at the facility and shall be in addition to
33 reasonable time for transport to or from the facility(~~+~~

34 ~~(iii) May alternatively order that the defendant be placed on~~
35 ~~conditional release for up to ninety days for mental health treatment~~
36 ~~and restoration of competency; or~~

37 ~~(iv) May order any combination of this subsection))~~.

38 ~~((b))~~ (c) If the court has determined or the parties agree that
39 the defendant is unlikely to regain competency, the court may dismiss
40 the charges without prejudice without ordering the defendant to

1 undergo restoration treatment, in which case the court shall order
2 that the defendant be referred for evaluation for civil commitment in
3 the manner provided in ~~((e))~~ (d) of this subsection.

4 ~~((e))~~ (d)(i) If the proceedings are dismissed under RCW
5 10.77.084 and the defendant was on conditional release at the time of
6 dismissal, the court shall order the designated crisis responder
7 within that county to evaluate the defendant pursuant to chapter
8 71.05 RCW. The evaluation may be conducted in any location chosen by
9 the professional.

10 (ii) If the defendant was in custody and not on conditional
11 release at the time of dismissal, the defendant shall be detained and
12 sent to an evaluation and treatment facility for up to seventy-two
13 hours, excluding Saturdays, Sundays, and holidays, for evaluation for
14 purposes of filing a petition under chapter 71.05 RCW. The seventy-
15 two hour period shall commence upon the next nonholiday weekday
16 following the court order and shall run to the end of the last
17 nonholiday weekday within the seventy-two-hour period.

18 ~~((2))~~ (3) If the defendant is charged with a nonfelony crime
19 that is not a serious offense as defined in RCW 10.77.092:

20 The court may stay or dismiss proceedings and detain the
21 defendant for sufficient time to allow the designated crisis
22 responder to evaluate the defendant and consider initial detention
23 proceedings under chapter 71.05 RCW. The court must give notice to
24 all parties at least twenty-four hours before the dismissal of any
25 proceeding under this subsection, and provide an opportunity for a
26 hearing on whether to dismiss the proceedings.

27 NEW SECTION. **Sec. 6.** A new section is added to chapter 10.77
28 RCW to read as follows:

29 The department must collaborate with the health care authority to
30 ensure that intensive services consistent with section 2(1)(a) of
31 this act are available for individuals involved with the criminal
32 justice system in every county or region in which a forensic
33 navigator is contracted or employed to provide services, on a
34 timeline consistent with the phased implementation of the settlement
35 agreement in *A.B., by and through Trueblood, et al., v. DSHS, et al.*,
36 No. 15-35462 ("Trueblood").

37 NEW SECTION. **Sec. 7.** A new section is added to chapter 10.77
38 RCW to read as follows:

1 (1) The department must implement an outpatient competency
2 restoration program consistent with RCW 10.77.086 and 10.77.088 in
3 the county that has the highest total volume of referrals for
4 competency evaluation and restoration services no later than January
5 1, 2020.

6 (2) This section expires June 30, 2021.

--- **END** ---