H-1495.1

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**SUBSTITUTE HOUSE BILL 1359**

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**State of Washington 69th Legislature 2025 Regular Session**

**By** House Civil Rights & Judiciary (originally sponsored by Representatives Thai, Abbarno, Eslick, Goodman, and Davis)

AN ACT Relating to reviewing laws related to criminal insanity and competency to stand trial; adding new sections to chapter 10.77 RCW; creating a new section; recodifying RCW 10.77.020, 10.77.027, 10.77.0942, 10.77.095, 10.77.097, 10.77.210, 10.77.230, 10.77.240, 10.77.250, 10.77.255, 10.77.260, 10.77.270, 10.77.275, 10.77.280, 10.77.300, 10.77.145, 10.77.163, 10.77.165, 10.77.205, 10.77.207, 10.77.060, 10.77.065, 10.77.070, 10.77.100, 10.77.025, 10.77.030, 10.77.040, 10.77.080, 10.77.091, 10.77.094, 10.77.110, 10.77.120, 10.77.132, 10.77.140, 10.77.150, 10.77.152, 10.77.155, 10.77.160, 10.77.170, 10.77.175, 10.77.180, 10.77.190, 10.77.195, 10.77.200, 10.77.220, 10.77.050, 10.77.068, 10.77.072, 10.77.074, 10.77.075, 10.77.079, 10.77.084, 10.77.0845, 10.77.086, 10.77.088, 10.77.0885, 10.77.089, 10.77.092, 10.77.093, 10.77.202, and 10.77.320; decodifying RCW 10.77.2101, 10.77.290, 10.77.310, 10.77.940, and 10.77.950; and providing an expiration date.

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

NEW SECTION. **Sec.**  (1)(a) A task force to review laws related to criminal insanity and competency to stand trial is established, with members as provided in this subsection.

(i) One member from each of the two largest caucuses of the senate, to be appointed by the president of the senate;

(ii) One member from each of the two largest caucuses of the house of representatives, to be appointed by the speaker of the house of representatives;

(iii) The secretary of the department of social and health services or the secretary's designee;

(iv) The secretary of the department of corrections or the secretary's designee;

(v) The director of the health care authority or the director's designee;

(vi) The Washington state attorney general or the attorney general's designee;

(vii) The director of the Washington state office of public defense or the director's designee; and

(viii) The department of social and health services shall appoint 19 members representing the following:

(A) One member representing superior courts, to be designated by the Washington state superior court judges association;

(B) One member representing courts of limited jurisdiction, to be designated by the Washington state district and municipal courts judges association;

(C) One member representing prosecutors, to be designated by the Washington association of prosecuting attorneys;

(D) One member representing trial-level criminal defense attorneys, to be designated by the Washington defender association;

(E) One member representing law enforcement, to be designated by the Washington association of sheriffs and police chiefs;

(F) One member representing the interests of victims, to be designated by the office of crime victims advocacy;

(G) One member designated by disability rights Washington;

(H) One member designated by the national alliance on mental illness Washington;

(I) One member designated by the plaintiff's counsel in *A.B., by and through Trueblood, et al., v. DSHS, et al.,* No. 15-35462 ("Trueblood");

(J) A representative of a behavioral health administrative services organization;

(K) A representative of a medicaid managed care organization;

(L) A representative of county governments, to be designated by the Washington state association of counties;

(M) A representative of city governments, to be designated by the association of Washington cities;

(N) A labor representative, to be designated by the Washington federation of state employees;

(O) A representative of western state hospital;

(P) A representative of eastern state hospital; and

(Q) Three individuals with direct lived experience of the forensic mental health system, including at least one person who is a former competency restoration patient and at least one person with experience of commitment related to criminal insanity.

(b) The task force shall choose its cochairs from among its membership. The department of social and health services shall convene the initial meeting of the task force.

(2) The task force shall undertake the following tasks:

(a) A comprehensive review of the laws in chapter 10.77 RCW to modernize and clean up issues that present barriers to administration, public safety, consistency, fairness, efficiency, and comprehension by victims, committed individuals, families, and the courts;

(b) Consider potential terminology and language changes to promote patient-centered language, improve coherence between legal and medical terminology, reduce stigma, and improve understanding of the competency evaluation process; and

(c) Make recommendations concerning law changes that would remove barriers to diversion, promote effective treatment, and increase services that would facilitate safe and responsible hospital discharges.

(3) The task force may form subcommittees to assist its work. The task force may contract with additional persons with specific technical expertise if necessary to carry out the mandates of the study. Such contracts may only be entered if an appropriation is specifically provided for this purpose.

(4) Staff support for the task force must be provided by the department of social and health services. Senate committee services and the office of program research shall provide staff support for the legislative members of the task force. The department of social and health services must provide reporting under RCW 43.18A.030.

(5) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(6) The task force shall report its findings and recommendations to the governor and the appropriate committees of the legislature by December 1, 2026.

(7) This section expires June 30, 2027.

NEW SECTION. **Sec.**  (1) The code reviser shall recodify, as necessary, the following sections of chapter 10.77 RCW in the following order within chapter 10.77 RCW, using the indicated chapter headings:

Definitions

RCW 10.77.010

General Provisions

RCW 10.77.020

RCW 10.77.027

RCW 10.77.0942

RCW 10.77.095

RCW 10.77.097

RCW 10.77.210

RCW 10.77.230

RCW 10.77.240

RCW 10.77.250

RCW 10.77.255

RCW 10.77.260

RCW 10.77.270

RCW 10.77.275

RCW 10.77.280

RCW 10.77.300

Authorized Leave and Furloughs

RCW 10.77.145

RCW 10.77.163

Community Notifications

RCW 10.77.165

RCW 10.77.205

RCW 10.77.207

Evaluations Under This Chapter

RCW 10.77.060

RCW 10.77.065

RCW 10.77.070

RCW 10.77.100

Criminal Insanity

RCW 10.77.025

RCW 10.77.030

RCW 10.77.040

RCW 10.77.080

RCW 10.77.091

RCW 10.77.094

RCW 10.77.110

RCW 10.77.120

RCW 10.77.132

RCW 10.77.140

RCW 10.77.150

RCW 10.77.152

RCW 10.77.155

RCW 10.77.160

RCW 10.77.170

RCW 10.77.175

RCW 10.77.180

RCW 10.77.190

RCW 10.77.195

RCW 10.77.200

RCW 10.77.220

Competency to Stand Trial

RCW 10.77.050

RCW 10.77.068

RCW 10.77.072

RCW 10.77.074

RCW 10.77.075

RCW 10.77.078

RCW 10.77.079

RCW 10.77.084

RCW 10.77.0845

RCW 10.77.086

RCW 10.77.088

RCW 10.77.0885

RCW 10.77.089

RCW 10.77.092

RCW 10.77.093

RCW 10.77.202

RCW 10.77.320

(2) The code reviser shall correct all statutory references to sections recodified by this section.

NEW SECTION. **Sec.**  The following sections are decodified:

(1) RCW 10.77.2101 (Implementation of legislative intent);

(2) RCW 10.77.290 (Secretary to adopt rules—2015 1st sp.s. c 7);

(3) RCW 10.77.310 (Health care authority contracts—Compensation of staff in outpatient competency restoration programs);

(4) RCW 10.77.940 (Equal application of 1989 c 420—Evaluation for developmental disability); and

(5) RCW 10.77.950 (Construction—Chapter applicable to state registered domestic partnerships—2009 c 521).

**--- END ---**