
Public Safety Committee

HB 2205

Brief Description: Modifying mental status evaluation provisions.

Sponsors: Representative Takko.

Brief Summary of Bill

- Allows a court to order a mental status evaluation and treatment for a defendant even if there is no presentence report or the presentence report does not indicate the need for evaluation and treatment.

Hearing Date: 1/21/14

Staff: Sarah Koster (786-7303).

Background:

If a court finds that reasonable grounds exist to believe that the 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 month's 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:

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.

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

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.