S-1912.2

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**SUBSTITUTE SENATE BILL 5925**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senate Human Services, Mental Health & Housing (originally sponsored by Senator Hargrove)

AN ACT Relating to diversion of nonfelony charges when a party has raised the issue of competency to stand trial; and adding a new section to chapter 10.77 RCW.

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

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

(1) If the defendant is charged with a nonfelony offense, and the issue of competency to stand trial is raised by the court or a party under RCW 10.77.060, the prosecutor may continue with the competency process or dismiss the charges without prejudice and refer the defendant for assessment by a mental health professional, chemical dependency professional, or developmental disabilities professional to determine the appropriate service needs for the defendant.

(2) This section does not apply to defendants with a current charge or prior conviction for a serious violent offense or sex offense as defined in RCW 9.94A.030.

**--- END ---**