S-3547.2

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**SENATE BILL 6497**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** Senators Becker, Darneille, Fain, and Brown

AN ACT Relating to the use of independent contractors to address delays in providing forensic competency evaluations; and amending RCW 10.77.073.

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

**Sec.**  RCW 10.77.073 and 2015 1st sp.s. c 7 s 7 are each amended to read as follows:

(1) The department shall reimburse a county for the cost of appointing a qualified expert or professional person under RCW 10.77.060(1)(a) subject to subsections (2) through ((~~(4)~~)) (5) of this section ((~~if, at the time of a referral for an evaluation of competency to stand trial in a jail for an in-custody defendant, the department: (a) During the most recent quarter, did not perform at least one-third of the number of jail-based competency evaluations for in-custody defendants as were performed by qualified experts or professional persons appointed by the court in the referring county; or (b) did not meet the performance target for timely completion of competency evaluations under RCW 10.77.068(1)(a)(iii) during the most recent quarter in fifty percent of cases submitted by the referring county, as documented in the most recent quarterly report under RCW 10.77.068(3) or confirmed by records maintained by the department~~)).

(2) Within existing appropriations, the department shall conduct a survey of all professional persons available to conduct competency evaluations in each county and shall provide a continuously updated contact information list for use by the prosecuting attorney and defense bar of each county in accordance with subsection (3) of this section.

(3) Appointment of a qualified expert or professional person under this section must be from a list of qualified experts or professional persons assembled with participation by representatives of the prosecuting attorney and the defense bar of the county. The qualified expert or professional person shall complete an evaluation and report that includes the components specified in RCW 10.77.060(3).

((~~(3)~~)) (4) The county shall provide a copy of the evaluation report to the applicable state hospital upon referral of the defendant for admission to the state hospital. The county shall:

(a) In consultation with the department, develop and maintain critical data elements, including data on the timeliness of competency evaluations completed under this section; and

(b) Share this data with the department upon the department's request.

((~~(4)~~)) (5) A qualified expert or professional person appointed by a court under this section must be compensated for competency evaluations in an amount that will encourage in-depth evaluation reports and ensure adherence with ethical standards and competency evaluation best practices. ((~~Subject to the availability of amounts appropriated for this specific purpose,~~)) The department shall reimburse the county in an amount determined by the department to be fair and reasonable with the county paying any excess costs. The amount of reimbursement established by the department must at least meet and may exceed the equivalent amount for evaluations conducted by the department.

((~~(5)~~)) (6) Nothing in this section precludes either party from objecting to the appointment of an evaluator on the basis that an inpatient evaluation is appropriate under RCW 10.77.060(1)(d).

((~~(6)~~)) (7) This section expires June 30, 2019.

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