

# FINAL BILL REPORT

## SSB 6375

---

C 74 L 00

Synopsis as Enacted

**Brief Description:** Clarifying timelines, information sharing, and evidentiary standards in mental health competency procedures.

**Sponsors:** Senate Committee on Human Services & Corrections (originally sponsored by Senators Long, Hargrove, Franklin, Stevens, Kohl-Welles, Winsley, Costa and McAuliffe).

**Senate Committee on Human Services & Corrections**

**House Committee on Judiciary**

**Background:** In 1998 the Legislature passed 2SSB 6214 which addressed issues related to mentally ill offenders and provided a competency restoration process for misdemeanor defendants. The portions of this act relating to competency evaluation and restoration took effect in March 1999. Since their implementation, some procedures and standards have demonstrated a need for refinement. Some practitioners have also requested clarification with regard to coordination between the civil commitment and competency restoration provisions of the code.

**Summary:** Procedural, technical, and clarifying amendments to the competency restoration provisions are made. Prior acquittals by reason of insanity or findings of incompetence under any equivalent out-of-state or federal statute also qualify an incompetent defendant to receive competency restoration treatment.

The competency evaluator must provide an opinion as to whether the defendant should be evaluated by a county designated mental health professional under the civil commitment chapter. The local correctional facility must inform the evaluator to which professional person the report must be submitted. If there is no professional person at the jail, the jail must designate a person or work with the Regional Support Network (RSN) to designate a professional person at the RSN to receive the report. The local correctional facility must notify the evaluator no later than the commencement of the defendant's evaluation.

The court calculates the time for restoration and the civil and criminal courts may share information for the purpose of preventing inconsistent evaluation and treatment orders.

A procedure is specified for determining whether a past conviction, guilty plea, or finding of not guilty by reason of insanity is for a violent act. The court may consider certain documentary evidence to establish the facts in these cases.

The detention for a 72-hour evaluation hold under the civil commitment statute begins on the next nonholiday weekday following the court order, does not include weekends or holidays, and continues through the end of the last nonholiday weekday in the period. The timing and procedure for a petition for civil commitment following competency evaluation and failed restoration conform to the civil commitment chapter and a civil commitment proceeding

brought as a result of the competency process must be brought in the county in which the criminal charge was dismissed.

**Votes on Final Passage:**

Senate	42	0
House	97	0

**Effective:** June 8, 2000