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SENATE BILL 5925

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State of Washington

64th Legislature

2015 Regular Session

By Senator Hargrove

Read first time 02/11/15. Referred to Committee on Human Services,  
Mental Health & Housing.

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

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 10.77  
6 RCW to read as follows:

7 (1) If the defendant is charged with a nonfelony offense, and the  
8 issue of competency to stand trial is raised by the court or a party  
9 under RCW 10.77.060, the prosecutor may continue with the competency  
10 process or dismiss the charges without prejudice and refer the  
11 defendant to an outpatient intensive treatment, residential  
12 treatment, or supportive housing program.

13 (2) If the prosecutor dismisses the charges and makes the  
14 referral under subsection (1) of this section, the prosecutor may not  
15 refile charges unless and until (a) the defendant is charged with a  
16 new crime; (b) the defendant fails to appear for intake at the  
17 referred program within thirty days of the dismissal; or (c) at least  
18 thirty days have elapsed since the dismissal, and there is a  
19 reasonable basis to believe the defendant's symptoms have cleared to  
20 the extent that there is reason to believe the defendant is competent  
21 to stand trial.

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

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