
SENATE BILL 5403

State of Washington 64th Legislature 2015 Regular Session

By Senators Conway, O'Ban, Darneille, Cleveland, Rivers, and Benton

Read first time 01/21/15. Referred to Committee on Human Services,
Mental Health & Housing.

1 AN ACT Relating to competency to stand trial evaluations;
2 amending RCW 10.77.073; providing an expiration date; and declaring
3 an emergency.

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

5 **Sec. 1.** RCW 10.77.073 and 2013 c 284 s 1 are each amended to
6 read as follows:

7 (1) If, at the time of a referral for an evaluation of competency
8 to stand trial in a jail for an in-custody defendant, the department
9 has not met the performance target for timely completion of
10 competency evaluations under RCW 10.77.068(1)(a)(ii) during the most
11 recent quarter in fifty percent of cases submitted by the referring
12 county, as documented in the most recent quarterly report under RCW
13 10.77.068(3) or confirmed by records maintained by the department,
14 the department shall reimburse the county for the cost of appointing
15 a qualified expert or professional person under RCW 10.77.060(1)(a)
16 subject to subsections (2) and (3) of this section. In any quarter,
17 if the department does not perform at least one-third the number of
18 competency evaluations as performed by the referring county, the
19 department shall reimburse the county for competency evaluations
20 provided by its panel of experts as provided in subsection (4) of
21 this section.

1 (2) Appointment of a qualified expert or professional person
2 under this section must be from a list of qualified experts or
3 professional persons assembled with participation by representatives
4 of the prosecuting attorney and the defense bar of the county. The
5 qualified expert or professional person shall complete an evaluation
6 and report that includes the components specified in RCW
7 10.77.060(3).

8 (3) The county shall provide a copy of the evaluation report to
9 the applicable state hospital upon referral of the defendant for
10 admission to the state hospital. The county shall maintain data on
11 the timeliness of competency evaluations completed under this
12 section.

13 (4) A qualified expert or professional person appointed by a
14 court under this section must be compensated for competency
15 evaluations in an amount that will encourage in-depth evaluation
16 reports. (~~Subject to the availability of amounts appropriated for
17 this specific purpose,~~) The department shall reimburse the county in
18 an amount determined by the department to be fair and reasonable with
19 the county paying any excess costs. The amount of reimbursement
20 established by the department must at least meet the equivalent
21 amount for evaluations conducted by the department.

22 (~~(4)-(5)~~) (5) Nothing in this section precludes either party
23 from objecting to the appointment of an evaluator on the basis that
24 an inpatient evaluation is appropriate under RCW 10.77.060(1)(d).

25 (~~(5)-(6)~~) (6) This section expires June 30, (~~2016~~) 2019.

26 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
27 preservation of the public peace, health, or safety, or support of
28 the state government and its existing public institutions, and takes
29 effect immediately.

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