

SENATE BILL REPORT

SB 5797

As Reported By Senate Committee On:
Human Services & Corrections, February 28, 1995
Ways & Means, March 6, 1995

Title: An act relating to examinations of mental conditions.

Brief Description: Revising provisions relating to examinations of mental conditions.

Sponsors: Senators Hargrove, Long and Franklin.

Brief History:

Committee Activity: Human Services & Corrections: 2/21/95, 2/28/95 [DPS-WM].
Ways & Means: 3/3/95, 3/6/95 [DPS (HSC)].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5797 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Fairley, Kohl, Long, Moyer, Palmer, Prentice, Schow, Smith and Strannigan.

Staff: Dennis Martin (786-7403)

Background: When a defendant pleads not guilty by reason of insanity or there is reason to doubt the competency of a defendant to stand trial, the court may order an examination to determine the mental condition of the defendant. The court may order the defendant committed to a hospital for a period not to exceed 15 days.

Currently, most of these examinations are conducted by the Department of Social and Health Services at the legal offender unit of Western State Hospital or Eastern State Hospital.

In 1994, a report which examined the forensic unit at Western State Hospital recommended that these pretrial evaluations be conducted in the jail where the defendant is being held pending trial or on an outpatient basis.

Summary of Substitute Bill: When a court orders an examination of a defendant because there is reason to doubt his or her competency, a preliminary examination must be conducted in the jail or correctional facility where the defendant is being confined, or in a nonconfinement setting. A preliminary examination is conducted to determine whether competency is an issue, whether further examination is necessary and whether the further examination requires 24-hour observation. Upon a probable cause determination that 24-hour observation is necessary to conduct the examination, the court may order the defendant committed to a hospital or other suitable facility for up to 15 days.

When the defendant pleads not guilty by reason of insanity, the current provisions for pre-trial evaluations remain unchanged.

Substitute Bill Compared to Original Bill: The original bill provides that examinations be conducted locally for both not guilty by reason of insanity pleadings as well as competency examinations. The substitute bill provides that when the defendant pleads not guilty by reason of insanity, the current provisions for pre-trial evaluation remain unchanged.

The original bill requires DSHS to contract with each county to conduct the examinations and to assist the counties. The substitute strikes this section.

Appropriation: None.

Fiscal Note: Requested on February 9, 1995.

Effective Date: The bill takes effect on January 1, 1996.

Testimony For: Conducting examinations in the county jails was a recommendation in a recent study by Western State Hospital. Such a change could reduce beds at Western State and save money.

Testimony Against: Courts are likely not to accept local examinations of defendants pleading not guilty by reason of insanity. There may not be any cost savings because experts will need to be available to go to local communities to conduct examinations.

Testified: Senator Hargrove, prime sponsor (pro); Dr. Carrol Hernandez, DSHS Mental Health; Tom McBride, WA Assn. of Prosecuting Attorneys.

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 5797 as recommended by Committee on Human Services & Corrections be substituted therefor, and the substitute bill do pass.

Signed by Senators Rinehart, Chair; Loveland, Vice Chair; Bauer, Cantu, Finkbeiner, Fraser, Gaspard, Hargrove, Hochstatter, Johnson, Long, McDonald, Moyer, Pelz, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Staff: Tim Yowell (786-7715)

Testimony For: This would provide a more efficient means of evaluating competency. Up to one-third of the evaluations currently conducted at the state hospital could be conducted locally instead.

Testimony Against: None.

Testified: Kathy Burns Peterson.