
HOUSE BILL 2479

State of Washington**54th Legislature****1996 Regular Session**

By Representatives Costa, Sheahan, Ballasiotes, Radcliff, Morris, Chappell and Robertson

Read first time 01/11/96. Referred to Committee on Law & Justice.

1 AN ACT Relating to criminal defendants who are guilty and mentally
2 ill; adding a new section to chapter 9A.12 RCW; adding a new section to
3 chapter 9.94A RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature intends with this act to
6 increase the accuracy of jury verdicts, to ensure just sentencing under
7 the standards of the sentencing reform act for offenders who are
8 mentally ill but not insane, to ensure that offenders who are mentally
9 ill but not insane are kept securely confined and have access to
10 treatment within available resources, and to reduce the incentive for
11 the raising of meritless insanity pleas.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 9A.12 RCW
13 to read as follows:

14 (1) A person who timely offers a defense of insanity pursuant to
15 RCW 10.77.030 may be found "guilty and mentally ill" at trial if the
16 trier of fact finds that:

17 (a) The state has proven beyond a reasonable doubt that the
18 defendant is guilty of the crime charged;

1 (b) The defendant has failed to prove by a preponderance of the
2 evidence the asserted insanity defense; and

3 (c) The defendant has proven by a preponderance of the evidence
4 that he or she was mentally ill.

5 (2) A person who waives the right to trial may plead guilty and
6 mentally ill. No plea of guilty and mentally ill may be accepted by
7 the trial judge until the defendant has undergone examination by a
8 psychologist or psychiatrist and the judge has examined the
9 psychological or psychiatric report or reports, has held a hearing on
10 the issue of the defendant's mental condition, and is satisfied that
11 there is a factual basis that the defendant was mentally ill at the
12 time of the offense to which the plea is entered. If the trial judge
13 refuses to accept a plea of guilty and mentally ill, the defendant
14 shall be permitted to withdraw the plea.

15 (3) For purposes of this section, "mental illness" and "mentally
16 ill" means a substantial disorder of thought, mood, or behavior that
17 afflicted a person at the time of the commission of the offense and
18 that impaired that person's judgment, but not rising to the level of
19 insanity pursuant to RCW 9A.12.010.

20 NEW SECTION. **Sec. 3.** A new section is added to chapter 9.94A RCW
21 to read as follows:

22 (1) A defendant found guilty and mentally ill or whose plea of
23 guilty and mentally ill is accepted pursuant to section 2 of this act
24 may have any sentence imposed that may lawfully be imposed on a
25 defendant convicted of the same offense. Before imposing sentence, the
26 court shall hear testimony and make findings as to the degree of the
27 defendant's mental illness at the time of sentencing and the resulting
28 need for treatment. A defendant found guilty and mentally ill or whose
29 plea of guilty and mentally ill is accepted pursuant to section 2 of
30 this act shall be considered guilty for all other purposes of law.

31 (2) For an offender who is mentally ill and in need of treatment at
32 the time of sentencing, the department of corrections or the county
33 having custody of the offender shall make available, within available
34 resources, such treatment as is psychiatrically or psychologically
35 indicated for the mental illness.

1 (3) For the purposes of this section, "mental illness" and
2 "mentally ill" have the same meaning as in section 2 of this act.

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