
SENATE BILL 5797

State of Washington

54th Legislature

1995 Regular Session

By Senators Hargrove, Long and Franklin

Read first time 02/07/95. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to examinations of mental conditions; amending RCW
2 10.77.060; adding a new section to chapter 10.77 RCW; and providing an
3 effective date.

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

5 **Sec. 1.** RCW 10.77.060 and 1989 c 420 s 4 are each amended to read
6 as follows:

7 (1) Whenever a defendant has pleaded not guilty by reason of
8 insanity, or there is reason to doubt his or her competency, the court
9 on its own motion or on the motion of any party shall either appoint or
10 request the secretary to designate at least two qualified experts or
11 professional persons, one of whom shall be approved by the prosecuting
12 attorney, to examine and report upon the mental condition of the
13 defendant. At least one of the experts or professional persons
14 appointed shall be a developmental disabilities professional if the
15 court is advised by any party that the defendant may be developmentally
16 disabled. ((For purposes of the examination,))

17 (2) The court shall order the examination to be conducted within
18 the county jail or other correctional facility in which the defendant
19 is being confined, or in a nonconfinement setting if the defendant is

1 not in total confinement. The court may order the defendant committed
2 to a local hospital or other suitable facility if the court determines
3 that twenty-four hour observation is necessary to properly complete the
4 examination. The commitment shall be for a period of time necessary to
5 complete the examination, but not to exceed fifteen days.

6 ~~((+2))~~ (3) The court may direct that a qualified expert or
7 professional person retained by or appointed for the defendant be
8 permitted to witness the examination authorized by subsection (1) of
9 this section, and that the defendant shall have access to all
10 information obtained by the court appointed experts or professional
11 persons. The defendant's expert or professional person shall have the
12 right to file his or her own report following the guidelines of
13 subsection ~~((+3))~~ (4) of this section. If the defendant is indigent,
14 the court shall upon the request of the defendant assist him or her in
15 obtaining an expert or professional person.

16 ~~((+3))~~ (4) The report of the examination shall include the
17 following:

- 18 (a) A description of the nature of the examination;
19 (b) A diagnosis of the mental condition of the defendant;
20 (c) If the defendant suffers from a mental disease or defect, or is
21 developmentally disabled, an opinion as to competency;
22 (d) If the defendant has indicated his or her intention to rely on
23 the defense of insanity pursuant to RCW 10.77.030, an opinion as to the
24 defendant's sanity at the time of the act;
25 (e) When directed by the court, an opinion as to the capacity of
26 the defendant to have a particular state of mind which is an element of
27 the offense charged;
28 (f) An opinion as to whether the defendant is a substantial danger
29 to other persons, or presents a substantial likelihood of committing
30 felonious acts jeopardizing public safety or security, unless kept
31 under further control by the court or other persons or institutions.

32 NEW SECTION. Sec. 2. A new section is added to chapter 10.77 RCW
33 to read as follows:

34 The department shall contract with each county in the state to
35 conduct examinations of the mental condition of defendants pursuant to
36 RCW 10.77.060. The department shall assist each county in the state to
37 conduct examinations of the mental condition of defendants, including

1 providing qualified experts or professional persons to conduct the
2 examinations, upon request.

3 NEW SECTION. **Sec. 3.** This act shall take effect January 1, 1996,
4 and shall apply to examinations ordered by a court on or after January
5 1, 1996.

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