

SENATE BILL REPORT

SB 5967

As of January 14, 2014

Title: An act relating to mental status evaluations.

Brief Description: Modifying mental status evaluation provisions.

Sponsors: Senators Padden and Kline.

Brief History:

Committee Activity: Law & Justice: 1/13/14.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Aldo Melchiori (786-7439)

Background: If a court finds that reasonable grounds exist to believe that the offender is a person with a mental illness and that this condition is likely to have influenced the offense, the court may order an offender whose sentence includes community placement or community supervision to undergo a mental status evaluation and to participate in available outpatient mental health treatment. The order must be based on a presentence report and any mental status evaluations that may have been filed with the court to determine the offender's competency or eligibility for a defense of insanity.

In *State v. Robert Locke* (2013), the trial court sentenced Locke to 12 month's confinement and ordered a mental health evaluation and treatment as a sentencing condition without first obtaining the required presentence report. The state conceded the error and the case was remanded to the trial court to vacate the sentence condition.

Summary of Bill: The order for mental status evaluation and treatment may, but is not required to, be based on the presentence report.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Staff Summary of Public Testimony: PRO: Presentence reports are not done now except for sex offender cases. The Legislature eliminated the presentence report requirement in most cases. Judges make these decisions after careful consideration and most often with agreement of the parties. It is common to have defendants with low level mental health issues that need to be addressed.

CON: Presentence reports should always be required in all cases.

Persons Testifying: PRO: Judge Salvatore Cozza. Spokane County Superior Court.

CON: Arthur West, citizen.