S-1527.1

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**SENATE BILL 5925**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senator Hargrove

AN ACT Relating to diversion of nonfelony charges when a party has raised the issue of competency to stand trial; and adding a new section to chapter 10.77 RCW.

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

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

(1) If the defendant is charged with a nonfelony offense, and the issue of competency to stand trial is raised by the court or a party under RCW 10.77.060, the prosecutor may continue with the competency process or dismiss the charges without prejudice and refer the defendant to an outpatient intensive treatment, residential treatment, or supportive housing program.

(2) If the prosecutor dismisses the charges and makes the referral under subsection (1) of this section, the prosecutor may not refile charges unless and until (a) the defendant is charged with a new crime; (b) the defendant fails to appear for intake at the referred program within thirty days of the dismissal; or (c) at least thirty days have elapsed since the dismissal, and there is a reasonable basis to believe the defendant's symptoms have cleared to the extent that there is reason to believe the defendant is competent to stand trial.

(3) This section does not apply to defendants with a current charge or prior conviction for a serious violent offense or sex offense as defined in RCW 9.94A.030.

**--- END ---**