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**SUBSTITUTE HOUSE BILL 2301**

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**State of Washington 66th Legislature 2020 Regular Session**

**By** House Civil Rights & Judiciary (originally sponsored by Representatives Kilduff, Frame, Leavitt, and Irwin)

AN ACT Relating to competency to stand trial evaluations; adding a new section to chapter 10.77 RCW; providing an expiration date; and declaring an emergency.

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) The department shall reimburse a county for the cost of appointing a qualified expert or professional person under RCW 10.77.060(1)(a) subject to subsections (2) through (4) of this section if, at the time of a referral for an evaluation of competency to stand trial in a jail for an in-custody defendant, the department: During the most recent quarter, did not perform at least one-third of the number of jail-based competency evaluations for in-custody defendants as were performed by qualified experts or professional persons appointed by the court in the referring county; or did not meet the performance target for timely completion of competency evaluations under RCW 10.77.068(1)(a)(iii) during the most recent quarter in fifty percent of cases submitted by the referring county, as documented in the most recent quarterly report under RCW 10.77.068(3) or confirmed by records maintained by the department.

(a) For the purposes of calculation, county is defined as the political entity of the county, and therefore municipal court cases are excluded from the calculation.

(b) The department shall provide notification informing counties of reimbursement eligibility two weeks after the end of the current quarter to assist with county decisions regarding assignments to qualified experts or professional persons. The department must notify the counties of any delays in providing notification within this time frame. A county is eligible for reimbursement for any evaluations assigned prior to the notification. Notification shall be provided by the department to the county using a mutually agreed-upon method of delivery.

(2) Appointment of a qualified expert or professional person under this section must be from a list of qualified experts or professional persons assembled with participation by representatives of the department, the prosecuting attorney, and the defense bar of the county. The qualified expert or professional person shall complete an evaluation and report that includes the components specified in RCW 10.77.060(3).

(3) The county shall provide a copy of the evaluation report to the department upon referral of the defendant for admission. The county shall:

(a) In consultation with the department, develop and maintain critical data elements, including data on the timeliness of competency evaluations completed under this section; and

(b) Share this data with the department upon the department's request.

(4) A qualified expert or professional person appointed by a court under this section must be compensated for competency evaluations in an amount that will encourage in-depth evaluation reports. Subject to the availability of amounts appropriated for this specific purpose, the department shall reimburse the county in an amount determined by the department to be fair and reasonable with the county paying any excess costs. The amount of reimbursement established by the department must at least meet the equivalent amount for evaluations conducted by the department.

(5) Nothing in this section precludes either party from objecting to the appointment of an evaluator on the basis that an inpatient evaluation is appropriate under RCW 10.77.060(1)(d).

(6) This section expires June 30, 2023.

NEW SECTION. **Sec.**  This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

**--- END ---**