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**Criminal Justice & Corrections  
Committee**

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**E2SSB 5216**

**Brief Description:** Revising forensic competency and sanity examinations.

**Sponsors:** Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Stevens and Hargrove).

**Brief Summary of Engrossed Second Substitute Bill**

- Allows one person to examine the mental health of a defendant who has pled not guilty by reason of insanity or is suspected of not being competent to stand trial.

**Hearing Date:** 2/24/04

**Staff:** Jim Morishima (786-7191).

**Background:**

When a defendant pleads not guilty by reason of insanity, or there is reason to doubt his or her competency, the court on its own motion or the motion of any party must appoint, or have the secretary of the Department of Social and Health Services designate, at least two qualified experts or professional persons. The experts or professional persons must examine and report on the mental condition of the defendant. At least one of the experts or professional persons must be approved by the prosecutor. At least one of the experts or professional persons must be a developmental disabilities professional if any party advises the court that the defendant may be developmentally disabled. The court may order the defendant committed to a secure public or private mental health facility for a period of time necessary to complete the examination, not to exceed 15 days.

The Mentally Ill Offender Act of 1998, required the Joint Legislative Audit and Review Committee (JLARC) to study the provisions of the act. As part of that study, the JLARC found that Western State Hospital conducts most of its competency evaluations on an outpatient basis and often waives the requirement that there be two expert or professional evaluators. Eastern State Hospital, on the other hand, conducts most of its evaluations on an inpatient basis and does not often waive the requirement that there be two expert or professional evaluators.

**Summary of Bill:**

Upon agreement of the parties, the court may appoint one expert or professional person to conduct the examination and report on the mental condition of the defendant.

The signed court order for the evaluation serves as the authority for the experts to access the defendant's mental health, medical, education, and correctional records that relate to the defendant's condition.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.