

6274-S

Sponsor(s): Senate Committee on Children & Family Services & Corrections (originally sponsored by Senators Regala, Stevens, Hargrove and Kline)

Brief Description: Changing provisions relating to serious offenses in the context of competency restoration. Revised for 1st Substitute: Changing provisions relating to competency restoration.

SB 6274-S - DIGEST

(SUBSTITUTED FOR - SEE 2ND SUB)

Finds that the decision in *Sell v. United States*, ___U.S. ___ (2003), requires a determination whether a particular criminal offense is "serious" in the context of competency restoration and the state's duty to protect the public.

Finds that, in order to adequately protect the public and in order to provide additional opportunities for mental health treatment for persons whose conduct threatens themselves or threatens public safety and has led to contact with the criminal justice system in the state, the determination of those criminal offenses that are "serious" offenses must be made consistently throughout the state.

Provides that, in order to facilitate this consistency, the legislature intends to determine those offenses that are serious in every case as well as the standards by which other offenses may be determined to be serious.

Declares an intent to clarify that a court may, to the extent permitted by federal law and required by the *Sell* decision, inquire into the civil commitment status of a defendant and may be told, if known.

Provides that, for purposes of determining whether a court may authorize involuntary medication for the purpose of competency restoration pursuant to RCW 10.77.090, a pending charge involving any one or more of the following crimes is a serious offense per se in the context of competency restoration: (1) Any violent offense, sex offense, serious traffic offense, and most serious offense, as those terms are defined in RCW 9.94A.030;

(2) Any offense, except nonfelony counterfeiting offenses, included in crimes against persons in RCW 9.94A.411;

(3) Any offense contained in chapter 9.41 RCW (firearms and dangerous weapons);

(4) Any offense listed as domestic violence in RCW 10.99.020;

(5) Any offense listed as a harassment offense in chapter 9A.46 RCW;

(6) Any violation of chapter 69.50 RCW that is a class B felony; or

(7) Any city or county ordinance or statute that is equivalent to an offense referenced in this act.

Provides that, when the court must make a determination whether to order involuntary medications for the purpose of competency restoration, the court shall inquire, and shall be told, consistent with federal law and to the extent that the prosecutor

or defense attorney is aware, whether the defendant is the subject of a pending civil commitment proceeding or has been ordered into involuntary treatment pursuant to a civil commitment proceeding.

Directs the department of social and health services to study and identify in its budget request to the office of financial management the need, options, and plans to address the increasing need for capacity in the forensic units of the state hospitals.