

SENATE BILL REPORT

SHB 2195

As of February 20, 2014

Title: An act relating to involuntary medication for maintaining the level of restoration in jail.

Brief Description: Concerning involuntary medication for maintaining the level of restoration in jail.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Morrell, Kochmar, Hurst, Green and Jinkins).

Brief History: Passed House: 2/12/14, 97-0.

Committee Activity: Human Services & Corrections: 2/20/14.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Kevin Black (786-7747)

Background: Competency restoration treatment may be authorized by the court for a defendant who is found to be incompetent to stand trial. Competency restoration treatment is administered on an inpatient basis in state hospitals. Washington statutes limit the duration of competency restoration treatment to defined periods. Defendants frequently return to jail between competency restoration periods for the purpose of further judicial hearings, either for authorization of additional periods of competency restoration treatment, or, in the event the defendant is found to be restored to competency or is found to be ineligible for further treatment, to resolve the criminal case.

Involuntary medication for the purpose of restoring the competency of a criminal defendant was considered and found to be constitutional by the U.S. Supreme Court in the case of *Sell v. United States*, 539 U.S. 166 (2003), provided that involuntary medication may only be employed if the charges are serious, the proposed medication is medically appropriate, the proposed medication is likely to restore competency, and there are no alternative, less-intrusive treatments likely to achieve substantially the same results. The Legislature authorized state courts to order involuntary medication for the purpose of competency restoration treatment in 2004.

Summary of Bill: A court may authorize involuntary medication of a criminal defendant for the purpose of maintaining the level of competency restoration in the jail following a competency restoration period. A jail must continue a prescribed medication regimen for a

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defendant who has completed a period of competency restoration treatment if there is a court order for involuntary treatment.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: This bill is a good way to save money, by preventing avoidable rehospitalizations. Defendants sometimes agree to take psychoactive medication in the state hospital, but refuse to continue it once they return to jail. This creates an unfortunate cycle of repeated hospitalization and decompensation. Defendants who oppose involuntary medication orders have a right to a judicial hearing with constitutional protections including representation by counsel. Less-restrictive options will always be pursued first. We always start by offering voluntary medication, even if there is an involuntary medication order in place.

Persons Testifying: PRO: Representative Morrell, prime sponsor; Al Rose, Pierce County; Judy Snow, Pierce County Jail.