

SENATE BILL REPORT

SB 5101

As Reported by Senate Committee On:
Law & Justice, January 20, 2015

Title: An act relating to mental status evaluations.

Brief Description: Modifying mental status evaluation provisions.

Sponsors: Senators Padden and O'Ban.

Brief History:

Committee Activity: Law & Justice: 1/15/15, 1/20/15 [DP].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Darneille, Kohl-Welles, Pearson and Roach.

Staff: Tim Ford (786-7423)

Background: If a court finds that reasonable grounds exist to believe that an offender is a person with a mental illness and that this condition is likely to have influenced the offense, the court may order an offender whose sentence includes community placement or community supervision to undergo a mental status evaluation and to participate in available outpatient mental health treatment. The order must be based on a presentence report and any mental status evaluations that may have been filed with the court to determine the offender's competency or eligibility for a defense of insanity.

In *State v. Robert Locke* (2013), the trial court sentenced Locke to 12 months' confinement and ordered a mental health evaluation and treatment as a sentencing condition without first obtaining the required presentence report. The state conceded the error and the case was remanded to the trial court to vacate the sentence condition.

Summary of Bill: The order for mental status evaluation and treatment may, but is not required to, be based on the presentence report.

Appropriation: None.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Fiscal Note: Not requested.

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 technical change to acknowledge reality. The Department of Corrections no longer files presentence reports and the court should be able to order mental evaluation even in the absence of a presentence report. Where there is a dispute, a judge may receive testimony to answer questions regarding who should conduct an evaluation and what treatment may be best.

Persons Testifying: PRO: Judge Greg Canova (ret.); Seth Dawson, National Alliance on Mental Illness.