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HOUSE BILL 1426

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State of Washington

64th Legislature

2015 Regular Session

By Representatives Jenkins, Nealey, Sawyer, Kochmar, Muri, Fey, Zeiger, and Kilduff

Read first time 01/20/15. Referred to Committee on Judiciary.

1 AN ACT Relating to competency to stand trial evaluations;  
2 amending RCW 10.77.073; providing an expiration date; and declaring  
3 an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 10.77.073 and 2013 c 284 s 1 are each amended to  
6 read as follows:

7 (1) The department shall reimburse the county for the cost of  
8 appointing a qualified expert or professional person under RCW  
9 10.77.060(1)(a) subject to subsections (2) and (3) of this section  
10 if, at the time of a referral for an evaluation of competency to  
11 stand trial in a jail for an in-custody defendant, the department  
12 ((has)): (a) During the most recent quarter, did not perform at least  
13 one-third of the number of jail-based competency evaluations for in-  
14 custody defendants as were performed by qualified experts or  
15 professional persons appointed by the court in the referring county;  
16 or (b) did not ((met)) meet the performance target for timely  
17 completion of competency evaluations under RCW 10.77.068(1)(a)(ii)  
18 during the most recent quarter in fifty percent of cases submitted by  
19 the referring county, as documented in the most recent quarterly  
20 report under RCW 10.77.068(3) or confirmed by records maintained by  
21 the department((

1 ~~the department shall reimburse the county for the cost of appointing~~  
2 ~~a qualified expert or professional person under RCW 10.77.060(1)(a)~~  
3 ~~subject to subsections (2) and (3) of this section)).~~

4 (2) Appointment of a qualified expert or professional person  
5 under this section must be from a list of qualified experts or  
6 professional persons assembled with participation by representatives  
7 of the prosecuting attorney and the defense bar of the county. The  
8 qualified expert or professional person shall complete an evaluation  
9 and report that includes the components specified in RCW  
10 10.77.060(3).

11 (3) The county shall provide a copy of the evaluation report to  
12 the applicable state hospital upon referral of the defendant for  
13 admission to the state hospital. The county shall maintain data on  
14 the timeliness of competency evaluations completed under this  
15 section.

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

25 ~~((4)-(5))~~ (5) Nothing in this section precludes either party  
26 from objecting to the appointment of an evaluator on the basis that  
27 an inpatient evaluation is appropriate under RCW 10.77.060(1)(d).

28 ~~((5)-(6))~~ (6) This section expires June 30, ~~((2016))~~ 2019.

29 NEW SECTION. **Sec. 2.** This act is necessary for the immediate  
30 preservation of the public peace, health, or safety, or support of  
31 the state government and its existing public institutions, and takes  
32 effect immediately.

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