

SUBSTITUTE HOUSE BILL 1359

State of Washington

69th Legislature

2025 Regular Session

By House Civil Rights & Judiciary (originally sponsored by Representatives Thai, Abbarno, Eslick, Goodman, and Davis)

READ FIRST TIME 02/21/25.

1 AN ACT Relating to reviewing laws related to criminal insanity
2 and competency to stand trial; adding new sections to chapter 10.77
3 RCW; creating a new section; recodifying RCW 10.77.020, 10.77.027,
4 10.77.0942, 10.77.095, 10.77.097, 10.77.210, 10.77.230, 10.77.240,
5 10.77.250, 10.77.255, 10.77.260, 10.77.270, 10.77.275, 10.77.280,
6 10.77.300, 10.77.145, 10.77.163, 10.77.165, 10.77.205, 10.77.207,
7 10.77.060, 10.77.065, 10.77.070, 10.77.100, 10.77.025, 10.77.030,
8 10.77.040, 10.77.080, 10.77.091, 10.77.094, 10.77.110, 10.77.120,
9 10.77.132, 10.77.140, 10.77.150, 10.77.152, 10.77.155, 10.77.160,
10 10.77.170, 10.77.175, 10.77.180, 10.77.190, 10.77.195, 10.77.200,
11 10.77.220, 10.77.050, 10.77.068, 10.77.072, 10.77.074, 10.77.075,
12 10.77.079, 10.77.084, 10.77.0845, 10.77.086, 10.77.088, 10.77.0885,
13 10.77.089, 10.77.092, 10.77.093, 10.77.202, and 10.77.320;
14 decodifying RCW 10.77.2101, 10.77.290, 10.77.310, 10.77.940, and
15 10.77.950; and providing an expiration date.

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

17 NEW SECTION. **Sec. 1.** (1)(a) A task force to review laws related
18 to criminal insanity and competency to stand trial is established,
19 with members as provided in this subsection.

20 (i) One member from each of the two largest caucuses of the
21 senate, to be appointed by the president of the senate;

1 (ii) One member from each of the two largest caucuses of the
2 house of representatives, to be appointed by the speaker of the house
3 of representatives;

4 (iii) The secretary of the department of social and health
5 services or the secretary's designee;

6 (iv) The secretary of the department of corrections or the
7 secretary's designee;

8 (v) The director of the health care authority or the director's
9 designee;

10 (vi) The Washington state attorney general or the attorney
11 general's designee;

12 (vii) The director of the Washington state office of public
13 defense or the director's designee; and

14 (viii) The department of social and health services shall appoint
15 19 members representing the following:

16 (A) One member representing superior courts, to be designated by
17 the Washington state superior court judges association;

18 (B) One member representing courts of limited jurisdiction, to be
19 designated by the Washington state district and municipal courts
20 judges association;

21 (C) One member representing prosecutors, to be designated by the
22 Washington association of prosecuting attorneys;

23 (D) One member representing trial-level criminal defense
24 attorneys, to be designated by the Washington defender association;

25 (E) One member representing law enforcement, to be designated by
26 the Washington association of sheriffs and police chiefs;

27 (F) One member representing the interests of victims, to be
28 designated by the office of crime victims advocacy;

29 (G) One member designated by disability rights Washington;

30 (H) One member designated by the national alliance on mental
31 illness Washington;

32 (I) One member designated by the plaintiff's counsel in *A.B., by*
33 *and through Trueblood, et al., v. DSHS, et al., No. 15-35462*
34 (*"Trueblood"*);

35 (J) A representative of a behavioral health administrative
36 services organization;

37 (K) A representative of a medicaid managed care organization;

38 (L) A representative of county governments, to be designated by
39 the Washington state association of counties;

1 (M) A representative of city governments, to be designated by the
2 association of Washington cities;

3 (N) A labor representative, to be designated by the Washington
4 federation of state employees;

5 (O) A representative of western state hospital;

6 (P) A representative of eastern state hospital; and

7 (Q) Three individuals with direct lived experience of the
8 forensic mental health system, including at least one person who is a
9 former competency restoration patient and at least one person with
10 experience of commitment related to criminal insanity.

11 (b) The task force shall choose its cochairs from among its
12 membership. The department of social and health services shall
13 convene the initial meeting of the task force.

14 (2) The task force shall undertake the following tasks:

15 (a) A comprehensive review of the laws in chapter 10.77 RCW to
16 modernize and clean up issues that present barriers to
17 administration, public safety, consistency, fairness, efficiency, and
18 comprehension by victims, committed individuals, families, and the
19 courts;

20 (b) Consider potential terminology and language changes to
21 promote patient-centered language, improve coherence between legal
22 and medical terminology, reduce stigma, and improve understanding of
23 the competency evaluation process; and

24 (c) Make recommendations concerning law changes that would remove
25 barriers to diversion, promote effective treatment, and increase
26 services that would facilitate safe and responsible hospital
27 discharges.

28 (3) The task force may form subcommittees to assist its work. The
29 task force may contract with additional persons with specific
30 technical expertise if necessary to carry out the mandates of the
31 study. Such contracts may only be entered if an appropriation is
32 specifically provided for this purpose.

33 (4) Staff support for the task force must be provided by the
34 department of social and health services. Senate committee services
35 and the office of program research shall provide staff support for
36 the legislative members of the task force. The department of social
37 and health services must provide reporting under RCW 43.18A.030.

38 (5) Legislative members of the task force are reimbursed for
39 travel expenses in accordance with RCW 44.04.120. Nonlegislative
40 members are not entitled to be reimbursed for travel expenses if they

1 are elected officials or are participating on behalf of an employer,
2 governmental entity, or other organization. Any reimbursement for
3 other nonlegislative members is subject to chapter 43.03 RCW.

4 (6) The task force shall report its findings and recommendations
5 to the governor and the appropriate committees of the legislature by
6 December 1, 2026.

7 (7) This section expires June 30, 2027.

8 NEW SECTION. **Sec. 2.** (1) The code reviser shall recodify, as
9 necessary, the following sections of chapter 10.77 RCW in the
10 following order within chapter 10.77 RCW, using the indicated chapter
11 headings:

12 Definitions

13 RCW 10.77.010

14 General Provisions

15 RCW 10.77.020

16 RCW 10.77.027

17 RCW 10.77.0942

18 RCW 10.77.095

19 RCW 10.77.097

20 RCW 10.77.210

21 RCW 10.77.230

22 RCW 10.77.240

23 RCW 10.77.250

24 RCW 10.77.255

25 RCW 10.77.260

26 RCW 10.77.270

27 RCW 10.77.275

28 RCW 10.77.280

29 RCW 10.77.300

30 Authorized Leave and Furloughs

31 RCW 10.77.145

32 RCW 10.77.163

33 Community Notifications

34 RCW 10.77.165

35 RCW 10.77.205

36 RCW 10.77.207

37 Evaluations Under This Chapter

38 RCW 10.77.060

39 RCW 10.77.065

1 RCW 10.77.070
2 RCW 10.77.100
3 Criminal Insanity
4 RCW 10.77.025
5 RCW 10.77.030
6 RCW 10.77.040
7 RCW 10.77.080
8 RCW 10.77.091
9 RCW 10.77.094
10 RCW 10.77.110
11 RCW 10.77.120
12 RCW 10.77.132
13 RCW 10.77.140
14 RCW 10.77.150
15 RCW 10.77.152
16 RCW 10.77.155
17 RCW 10.77.160
18 RCW 10.77.170
19 RCW 10.77.175
20 RCW 10.77.180
21 RCW 10.77.190
22 RCW 10.77.195
23 RCW 10.77.200
24 RCW 10.77.220
25 Competency to Stand Trial
26 RCW 10.77.050
27 RCW 10.77.068
28 RCW 10.77.072
29 RCW 10.77.074
30 RCW 10.77.075
31 RCW 10.77.078
32 RCW 10.77.079
33 RCW 10.77.084
34 RCW 10.77.0845
35 RCW 10.77.086
36 RCW 10.77.088
37 RCW 10.77.0885
38 RCW 10.77.089
39 RCW 10.77.092
40 RCW 10.77.093

1 RCW 10.77.202

2 RCW 10.77.320

3 (2) The code reviser shall correct all statutory references to
4 sections recodified by this section.

5 NEW SECTION. **Sec. 3.** The following sections are decodified:

6 (1) RCW 10.77.2101 (Implementation of legislative intent);

7 (2) RCW 10.77.290 (Secretary to adopt rules—2015 1st sp.s. c 7);

8 (3) RCW 10.77.310 (Health care authority contracts—Compensation
9 of staff in outpatient competency restoration programs);

10 (4) RCW 10.77.940 (Equal application of 1989 c 420—Evaluation for
11 developmental disability); and

12 (5) RCW 10.77.950 (Construction—Chapter applicable to state
13 registered domestic partnerships—2009 c 521).

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