

1767-S

Sponsor(s): House Committee on Judiciary (originally sponsored by Representatives Lovick, Campbell, Mielke, Lantz and O'Brien; by request of Department of Social and Health Services)

Brief Description: Permitting a forensic competency examination to be conducted in a jail, detention or correctional facility, or appropriate community setting by one examiner.

HB 1767-S - DIGEST

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that, whenever there is reason to doubt the competency of a defendant who has been charged with a misdemeanor or gross misdemeanor, the court on its own motion or on the motion of any party shall request the secretary to designate a qualified expert or professional person to examine, in a local jail or detention or correctional facility or in an appropriate community setting, and report upon the mental condition of the defendant. The designated expert or professional person shall be a developmental disabilities professional if the court is provided evidence by any party that the defendant may be developmentally disabled.

Provides that, upon agreement of the parties, the court may designate one expert or professional person to conduct the examination and report on the mental condition of the defendant.

Provides that the report of the examination regarding competency must include the following: (1) A description of the nature of the examination;

(2) A diagnosis of the mental condition of the defendant;

(3) An opinion as to competency; and

(4) An opinion as to whether the defendant should be evaluated by a county designated mental health professional under chapter 71.05 RCW, and an opinion as to whether the defendant is a substantial danger to other persons, or presents a substantial likelihood of committing criminal acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions.