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HOUSE BILL 2195

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State of Washington                      63rd Legislature                      2014 Regular Session

By Representatives Morrell, Kochmar, Hurst, Green, and Jinkins

Prefiled 01/10/14. Read first time 01/13/14. Referred to Committee on Judiciary.

1            AN ACT Relating to involuntary medication for maintaining the level  
2 of restoration in jail; and amending RCW 10.77.092.

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

4            **Sec. 1.** RCW 10.77.092 and 2008 c 213 s 2 are each amended to read  
5 as follows:

6            (1) For purposes of determining whether a court may authorize  
7 involuntary medication for the purpose of competency restoration  
8 pursuant to RCW 10.77.084 and for maintaining the level of restoration  
9 in the jail following the restoration period, a pending charge  
10 involving any one or more of the following crimes is a serious offense  
11 per se in the context of competency restoration:

12            (a) Any violent offense, sex offense, serious traffic offense, and  
13 most serious offense, as those terms are defined in RCW 9.94A.030;

14            (b) Any offense, except nonfelony counterfeiting offenses, included  
15 in crimes against persons in RCW 9.94A.411;

16            (c) Any offense contained in chapter 9.41 RCW (firearms and  
17 dangerous weapons);

18            (d) Any offense listed as domestic violence in RCW 10.99.020;

1 (e) Any offense listed as a harassment offense in chapter 9A.46  
2 RCW;

3 (f) Any violation of chapter 69.50 RCW that is a class B felony; or

4 (g) Any city or county ordinance or statute that is equivalent to  
5 an offense referenced in this subsection.

6 (2)(a) In a particular case, a court may determine that a pending  
7 charge not otherwise defined as serious by state or federal law or by  
8 a city or county ordinance is, nevertheless, a serious offense within  
9 the context of competency restoration treatment when the conduct in the  
10 charged offense falls within the standards established in (b) of this  
11 subsection.

12 (b) To determine that the particular case is a serious offense  
13 within the context of competency restoration, the court must consider  
14 the following factors and determine that one or more of the following  
15 factors creates a situation in which the offense is serious:

16 (i) The charge includes an allegation that the defendant actually  
17 inflicted bodily or emotional harm on another person or that the  
18 defendant created a reasonable apprehension of bodily or emotional harm  
19 to another;

20 (ii) The extent of the impact of the alleged offense on the basic  
21 human need for security of the citizens within the jurisdiction;

22 (iii) The number and nature of related charges pending against the  
23 defendant;

24 (iv) The length of potential confinement if the defendant is  
25 convicted; and

26 (v) The number of potential and actual victims or persons impacted  
27 by the defendant's alleged acts.

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