
SENATE BILL 5046

State of Washington

66th Legislature

2019 Regular Session

By Senators O'Ban, Becker, and Wagoner

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1 AN ACT Relating to extending county authority to collect
2 reimbursements from the department when conducting panel competency
3 evaluations; amending RCW 10.77.073; providing an expiration date;
4 and declaring an emergency.

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

6 **Sec. 1.** RCW 10.77.073 and 2015 1st sp.s. c 7 s 7 are each
7 amended to read as follows:

8 (1) The department shall reimburse a county for the cost of
9 appointing a qualified expert or professional person under RCW
10 10.77.060(1)(a) subject to subsections (2) through (4) of this
11 section if, at the time of a referral for an evaluation of competency
12 to stand trial in a jail for an in-custody defendant, the department:
13 (a) During the most recent quarter, did not perform at least one-
14 third of the number of jail-based competency evaluations for in-
15 custody defendants as were performed by qualified experts or
16 professional persons appointed by the court in the referring county;
17 or (b) did not meet the performance target for timely completion of
18 competency evaluations under RCW 10.77.068(1)(a)(iii) during the most
19 recent quarter in fifty percent of cases submitted by the referring
20 county, as documented in the most recent quarterly report under RCW
21 10.77.068(3) or confirmed by records maintained by the department.

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

8 (3) The county shall provide a copy of the evaluation report to
9 the applicable state hospital upon referral of the defendant for
10 admission to the state hospital. The county shall:

11 (a) In consultation with the department, develop and maintain
12 critical data elements, including data on the timeliness of
13 competency evaluations completed under this section; and

14 (b) Share this data with the department upon the department's
15 request.

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

28 (6) This section expires June 30, (~~2019~~) 2024.

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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