

EFFECT: DSHS must reimburse a county for the cost of appointing an expert to complete a competency evaluation for a defendant in jail if DSHS has not met its 7-day performance target for the timeliness of competency evaluations in jail for at least 50% of defendants in the county during the most recent quarter, as determined by DSHS' most recent quarterly evaluation report or confirmed by records maintained by DSHS.

The expert must be appointed from a list of qualified persons assembled with the participation of prosecutors and the defense bar in the county. The expert must be compensated in an amount that will encourage in depth evaluation reports. Reimbursement must be provided in an amount determined by DSHS to be fair and reasonable. Reimbursement may not be less than DSHS' cost for state evaluations, with the county paying any excess costs.

1       AN ACT Relating to competency to stand trial evaluations; adding a  
2       new section to chapter 10.77 RCW; and providing an expiration date.

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

4       NEW SECTION.   **Sec. 1.** A new section is added to chapter 10.77 RCW  
5       to read as follows:

6       (1) If, at the time of a referral for an evaluation of competency  
7       to stand trial in a jail for an in-custody defendant, the department  
8       has not met its performance target for timely completion of competency  
9       evaluations under RCW 10.77.068(1)(a)(ii) during the most recent  
10      quarter in fifty percent of cases submitted by the referring county, as  
11      documented in the most recent quarterly report under RCW 10.77.068(3)  
12      or confirmed by records maintained by the department, the state shall  
13      reimburse the county for the cost of appointing a qualified expert or  
14      professional person under RCW 10.77.060(1)(a) as provided in this  
15      section.

16      (2) Appointment of a qualified expert or professional person under  
17      this section must be from a list of qualified experts or professional  
18      persons assembled with participation by representatives of the  
19      prosecuting attorney and the defense bar of the county.

1       (3) A qualified expert or professional person appointed by a court  
2 for an indigent person under this section must be compensated for  
3 competency evaluations in an amount that will encourage in-depth  
4 evaluation reports. The department must reimburse the county in an  
5 amount determined by the department to be fair and reasonable with the  
6 county paying any excess costs. The amount of reimbursement  
7 established by the department must at least meet the equivalent amount  
8 for evaluations conducted by the department.

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

12       (5) This section expires June 30, 2016.

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