
SENATE BILL 5478

State of Washington 63rd Legislature 2013 Regular Session

By Senators Keiser, Kohl-Welles, Darneille, Nelson, and Kline

Read first time 01/31/13. Referred to Committee on Law & Justice.

1 AN ACT Relating to prohibiting possession of firearms for persons
2 participating in mental health court; and amending RCW 2.28.180.

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

4 **Sec. 1.** RCW 2.28.180 and 2011 c 236 s 1 are each amended to read
5 as follows:

6 (1) Counties may establish and operate mental health courts.

7 (2) For the purposes of this section, "mental health court" means
8 a court that has special calendars or dockets designed to achieve a
9 reduction in recidivism and symptoms of mental illness among
10 nonviolent, felony and nonfelony (~~offenders~~) defendants with mental
11 illnesses and recidivism among nonviolent felony and nonfelony
12 (~~offenders~~) defendants who have developmental disabilities as defined
13 in RCW 71A.10.020 or who have suffered a traumatic brain injury by
14 increasing their likelihood for successful rehabilitation through
15 early, continuous, and intense judicially supervised treatment
16 including drug treatment for persons with co-occurring disorders;
17 mandatory periodic reviews, including drug testing if indicated; and
18 the use of appropriate sanctions and other rehabilitation services.

1 (3)(a) Any jurisdiction that seeks a state appropriation to fund a
2 mental health court program must first:

3 (i) Exhaust all federal funding that is available to support the
4 operations of its mental health court and associated services; and

5 (ii) Match, on a dollar-for-dollar basis, state moneys allocated
6 for mental health court programs with local cash or in-kind resources.
7 Moneys allocated by the state must be used to supplement, not supplant,
8 other federal, state, and local funds for mental health court
9 operations and associated services.

10 (b) Any county that establishes a mental health court pursuant to
11 this section shall establish minimum requirements for the participation
12 of ~~((offenders))~~ defendants in the program. The mental health court
13 may adopt local requirements that are more stringent than the minimum.
14 The minimum requirements are:

15 (i) The ~~((offender))~~ defendant would benefit from psychiatric
16 treatment or treatment related to his or her developmental disability
17 or traumatic brain injury;

18 (ii) The ~~((offender))~~ defendant has not previously been convicted
19 of a serious violent offense or sex offense as defined in RCW
20 9.94A.030; ~~((and))~~

21 (iii) Without regard to whether proof of any of these elements is
22 required to convict, the ~~((offender))~~ defendant is not currently
23 charged with or convicted of an offense:

24 (A) That is a sex offense;

25 (B) That is a serious violent offense;

26 (C) During which the defendant used a firearm; or

27 (D) During which the defendant caused substantial or great bodily
28 harm or death to another person; and

29 (iv) During the pendency of the defendant's participation in mental
30 health court, the defendant agrees to refrain from the possession of a
31 firearm and surrender any concealed pistol license in the defendant's
32 possession.

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