

PIERCE COUNTY SUPERIOR COURT FELONY MENTAL HEALTH COURT ELIGIBILITY CRITERIA

**EFFECTIVE DATE OF CURRENT
POLICY OR REVISION:**

February 3, 2015 (JMM)

REVISION DATE:

**New Criteria Adopted by the Judges
February 2, 2015**

I. AUTHORITY:

Reviewed and adopted at the February 2, 2105 Judges' Meeting.

II. DEFINITION:

A defendant seeking admission into the Pierce County Felony Mental Health Court Program must meet the criteria as set forth in RCW 2.28.180 and the following criteria as established by the Pierce County Felony Mental Health Court Committee. THE FELONYMENTAL HEALTH COURT COMMITTEE IS MADE UP OF TWO SUPERIOR COURT JUDGES AS ASSIGNED BY THEIR PRESIDING JUDGE, OPTUM, A REPRESENTATIVE OF PIERCE COUNTY JAIL MENTAL HEALTH STAFF, DEPARTMENT OF ASSIGNED COUNSEL, THE PROSECUTOR'S OFFICE AND THE MENTAL HEALTH COURT CASE COORDINATOR.

III. CRITERIA:

1. The defendant must be assessed by a licensed mental health professional who is a member of the referral and treatment team, have an Axis I diagnosis, and be found to be amendable to treatment. The criminal behavior in the charged offense must be related to the defendant's mental health condition. The defendant must be competent in accordance with RCW 10.77 in order to enter Felony Mental Health Court (FMHC).
2. Defendant cannot currently be charged with a Sex Offense, or a Serious Violent Offense. Current charge must not include the use of a firearm, or have cause substantial or great bodily harm in order for the defendant to petition for admission into FMHC.
3. The current offense shall not have a weapon enhancement.

4. The defendant must have no prior adult or juvenile criminal history of serious violent, or sexual offenses as defined in RCW 9.94A.030.
5. The defendant must not have another current offense, pending warrants, or jail hold that may interfere with treatment at the time of admission. The defendant must be a U.S. citizen or a legally registered alien (must have a valid green card).
6. The defendant is not currently serving a Department of Corrections sentence.
7. The charged crime cannot be part of a large commercial operation.
8. FMHC requires a criminal charge filed in Pierce County Superior Court and a referral must be made prior to any pretrial briefing and motions (excluding motions regarding the defendant's competence to stand trial). In some circumstances the parties may agree to the defendant's participation in FMHC as a condition of his sentence after he has pleaded guilty.
9. If the defendant is a licensed professional the appropriate licensing and/or state agency will be notified as to the defendant's participation and progress in the program. A licensed profession includes, but is not limited to, a teacher, attorney, doctor, pharmacist or nurse. The defendant will be required to sign a release of information to the licensing agency. The obligation is upon the defendant to notify the court and prosecutor of any professional licenses at the time of their admission.
10. The State, court or defense counsel may prohibit any defendant from entering into FMHC after a hearing before the FMHC judge. This may be related to victim and community safety concerns, gang memberships, likelihood of the defendant successfully completing the treatment, the defendant's competence or ability to appreciate the decision to enter the program, or any other concern held by the State, treating agency, court or defense counsel.
11. The crime victim's input will be a consideration when determining whether a defendant is permitted to enter FMHC. The prosecutor will make best attempts to acquire the victim's input before the FMHC screening court appearance.
12. The defendant will be responsible to pay restitution – amount not to exceed \$3,000.