
HOUSE BILL 1545

State of Washington

62nd Legislature

2011 Regular Session

By Representatives Klippert, Dickerson, Hope, Green, Dammeier,
Stanford, and Kelley

Read first time 01/25/11. Referred to Committee on Judiciary.

1 AN ACT Relating to detaining persons with mental disorders;
2 amending RCW 70.96B.045, 71.05.050, and 71.05.153; creating new
3 sections; and providing an expiration date.

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

5 **Sec. 1.** RCW 70.96B.045 and 2007 c 120 s 2 are each amended to read
6 as follows:

7 (1) If a designated crisis responder receives information alleging
8 that a person, as the result of:

9 (a) A mental disorder, presents (~~(an imminent)~~) a substantial
10 likelihood of serious harm, or is in (~~(imminent)~~) a substantial
11 likelihood of danger because of being gravely disabled, after
12 investigation and evaluation of the specific facts alleged and of the
13 reliability and credibility of the person or persons providing the
14 information if any, the designated crisis responder may take the
15 person, or cause by oral or written order the person to be taken into
16 emergency custody in an evaluation and treatment facility for not more
17 than seventy-two hours as described in this chapter; or

18 (b) Chemical dependency, presents (~~(an imminent)~~) a substantial
19 likelihood of serious harm, or is in (~~(imminent)~~) a substantial

1 likelihood of danger because of being gravely disabled, after
2 investigation and evaluation of the specific facts alleged and of the
3 reliability and credibility of the person or persons providing the
4 information if any, the designated crisis responder may take the
5 person, or cause by oral or written order the person to be taken into
6 emergency custody in a secure detoxification facility for not more than
7 seventy-two hours as described in this chapter.

8 (2) The designated mental health professional may consider
9 information provided by families, landlords, neighbors, or others with
10 significant contact and history of involvement with the person, if the
11 information is readily and reasonably available.

12 (3) The evaluation and treatment facility, the secure
13 detoxification facility, or other certified chemical dependency
14 provider shall then evaluate the person's condition and admit, detain,
15 transfer, or discharge such person in accordance with this chapter.
16 The facility shall notify in writing the court and the designated
17 crisis responder of the date and time of the initial detention of each
18 person involuntarily detained so that a probable cause hearing will be
19 held no later than seventy-two hours after detention.

20 ((+3)) (4) A peace officer may take or cause the person to be
21 taken into custody and immediately delivered to an evaluation and
22 treatment facility, secure detoxification facility, or other certified
23 chemical dependency treatment provider: (a) Pursuant to this section;
24 or (b) when he or she has reasonable cause to believe that such person,
25 as a result of a mental disorder or chemical dependency, presents ((an
26 imminent)) a substantial likelihood of serious harm, or is in
27 ((imminent)) a substantial likelihood of danger because of being
28 gravely disabled. An individual brought to a facility by a peace
29 officer may be held for up to twelve hours: PROVIDED, That the
30 individual is examined by a designated crisis responder within three
31 hours of arrival. Within twelve hours of arrival the designated crisis
32 responder must determine whether the individual meets detention
33 criteria. If the individual is detained, the designated mental health
34 professional shall file a petition for detention or supplemental
35 petition as appropriate and commence service on the designated attorney
36 for the detained person.

37 ((+4)) (5) Nothing in this chapter limits the power of a peace

1 officer to take a person into custody and immediately deliver the
2 person to the emergency department of a local hospital or to a
3 detoxification facility.

4 **Sec. 2.** RCW 71.05.050 and 2000 c 94 s 3 are each amended to read
5 as follows:

6 Nothing in this chapter shall be construed to limit the right of
7 any person to apply voluntarily to any public or private agency or
8 practitioner for treatment of a mental disorder, either by direct
9 application or by referral. Any person voluntarily admitted for
10 inpatient treatment to any public or private agency shall be released
11 immediately upon his or her request. Any person voluntarily admitted
12 for inpatient treatment to any public or private agency shall orally be
13 advised of the right to immediate discharge, and further advised of
14 such rights in writing as are secured to them pursuant to this chapter
15 and their rights of access to attorneys, courts, and other legal
16 redress. Their condition and status shall be reviewed at least once
17 each one hundred eighty days for evaluation as to the need for further
18 treatment or possible discharge, at which time they shall again be
19 advised of their right to discharge upon request: PROVIDED HOWEVER,
20 That if the professional staff of any public or private agency or
21 hospital ((regards)) determines that a person voluntarily admitted who
22 requests discharge ((as-presenting)) presents, as a result of a mental
23 disorder, ((an-imminent)) a substantial likelihood of serious harm, or
24 is in substantial likelihood of being gravely disabled, they may detain
25 such person for sufficient time to notify the ((county)) designated
26 mental health professional of such person's condition to enable the
27 ((county)) designated mental health professional to authorize such
28 person being further held in custody or transported to an evaluation
29 and treatment center pursuant to the provisions of this chapter, which
30 shall in ordinary circumstances be no later than the next judicial day:
31 PROVIDED FURTHER, That if a person is brought to the emergency room of
32 a public or private agency or hospital for observation or treatment,
33 the person refuses voluntary admission, and the professional staff of
34 the public or private agency or hospital ((regard)) determines that
35 such person ((as-presenting)) presents, as a result of a mental
36 disorder ((an-imminent)) a substantial likelihood of serious harm, or
37 ((as-presenting-an-imminent)) is in a substantial likelihood of danger

1 because of (~~grave disability~~) being gravely disabled, they may detain
2 such person for sufficient time to notify the (~~county~~) designated
3 mental health professional of such person's condition to enable the
4 (~~county~~) designated mental health professional to authorize such
5 person being further held in custody or transported to an evaluation
6 treatment center pursuant to the conditions in this chapter, but which
7 time shall be no more than six hours from the time the professional
8 staff determine that an evaluation by the (~~county~~) designated mental
9 health professional is necessary.

10 **Sec. 3.** RCW 71.05.153 and 2007 c 375 s 8 are each amended to read
11 as follows:

12 (1) When a designated mental health professional receives
13 information alleging that a person, as the result of a mental disorder,
14 presents (~~an imminent~~) a substantial likelihood of serious harm, or
15 is in (~~imminent~~) a substantial likelihood of danger because of being
16 gravely disabled, after investigation and evaluation of the specific
17 facts alleged and of the reliability and credibility of the person or
18 persons providing the information if any, the designated mental health
19 professional may take such person, or cause by oral or written order
20 such person to be taken into emergency custody in an evaluation and
21 treatment facility for not more than seventy-two hours as described in
22 RCW 71.05.180. The designated mental health professional may consider
23 information provided by families, landlords, neighbors, or others with
24 significant contact and history of involvement with the person, if the
25 information is readily and reasonably available.

26 (2) A peace officer may take or cause such person to be taken into
27 custody and immediately delivered to a crisis stabilization unit, an
28 evaluation and treatment facility, or the emergency department of a
29 local hospital under the following circumstances:

30 (a) Pursuant to subsection (1) of this section; or

31 (b) When he or she has reasonable cause to believe that such person
32 is suffering from a mental disorder and presents (~~an imminent~~) a
33 substantial likelihood of serious harm or is in (~~imminent~~) a
34 substantial likelihood of danger because of being gravely disabled.

35 (3) Persons delivered to a crisis stabilization unit, evaluation
36 and treatment facility, or the emergency department of a local hospital
37 by peace officers pursuant to subsection (2) of this section may be

1 held by the facility for a period of up to twelve hours: PROVIDED,
2 That they are examined by a mental health professional within three
3 hours of their arrival. Within twelve hours of their arrival, the
4 designated mental health professional must determine whether the
5 individual meets detention criteria. If the individual is detained,
6 the designated mental health professional shall file a petition for
7 detention or a supplemental petition as appropriate and commence
8 service on the designated attorney for the detained person.

9 NEW SECTION. **Sec. 4.** (1) The research and data analysis division
10 of the department of social and health services shall track and review
11 the outcomes regarding the number of seventy-two hour, fourteen-day,
12 and ninety-day commitments and the cost of providing treatment as a
13 result of the implementation of sections 1 through 3 of this act.

14 (2) The research and data analysis division shall make an initial
15 report to the legislature regarding its findings no later than October
16 1, 2012, and a second report no later than October 1, 2013. It shall
17 make a final report no later than October 1, 2014.

18 NEW SECTION. **Sec. 5.** This act expires June 30, 2015.

19 NEW SECTION. **Sec. 6.** If specific funding for the purposes of this
20 act, referencing this act by bill or chapter number, is not provided by
21 June 30, 2011, in the omnibus appropriations act, this act is null and
22 void.

--- END ---