

FINAL BILL REPORT

ESHB 1349

C 323 L 09
Synopsis as Enacted

Brief Description: Renewing orders for less restrictive treatment.

Sponsors: House Committee on Human Services (originally sponsored by Representatives Green, Moeller, Dickerson, Cody and Kenney).

House Committee on Human Services
Senate Committee on Human Services & Corrections

Background:

The Involuntary Treatment Act (ITA) sets forth the procedures, rights, and requirements for an involuntary civil commitment. Persons may be initially detained for up to 72 hours for evaluation and treatment. Upon a petition to the court and subsequent order, the person may be held for an additional 14 days. Upon a further petition and order by a court, a person may be held for a period of 90 days. If a person has been determined to be incompetent and criminal charges have been dismissed, and the person has committed acts constituting a felony as a result of a mental disorder and presents a substantial likelihood of repeating similar acts, the person may be further committed for a period of up to 180 days. No order of commitment under the ITA may exceed 180 days.

After a hearing pursuant to a petition for a 90-day commitment, the court may find that a less restrictive alternative (LRA) is more appropriate than a commitment to a state facility. When the 90-day term of the LRA is complete, the person must be released from involuntary treatment unless a designated mental health professional files a new petition for involuntary treatment on the grounds that:

- the respondent has threatened, attempted to inflict, or inflicted physical harm upon another person or has inflicted substantial damage upon the property of another; and as a result of a mental disorder or developmental disability, the person presents a likelihood of serious harm; or
- the respondent was taken into custody as a result of conduct in which he or she attempted to inflict or inflicted serious physical harm to another person and continues to present a likelihood of serious harm as a result of a mental disorder or developmental disability; or

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- the respondent is in custody as a result of criminal allegations of a felony offense, and the respondent has been determined to be incompetent and as a result of a mental disorder presents a substantial likelihood of repeating similar acts; or
- the respondent continues to be gravely disabled.

Under each option, the petitioner must demonstrate that the respondent presents a likelihood of serious harm. Pursuant to the grounds set forth for continued commitment, the court may order the person returned for an additional period of treatment not to exceed 180 days.

Summary:

Additional grounds are created under which a petition may be filed to continue a court order for less restrictive treatment (LRA). The additional grounds for a new petition for continued treatment under the LRA are:

- the person has a history of lack of compliance with treatment for mental illness which precipitated the current period of commitment and at least one other involuntary commitment for mental health treatment during the 36 months preceding the current involuntary commitment period;
- the person is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive treatment, in view of the person's treatment history or current behavior; and
- outpatient treatment that would be provided under a less restrictive treatment order is necessary to prevent a relapse or deterioration that is likely to result in serious harm or the person becoming gravely disabled within a reasonably short period of time.

The grounds to extend treatment pursuant to an order for less restrictive treatment are less than those required for the initial order for less restrictive treatment. The petitioner does not need to show that the respondent is likely to commit serious harm to himself, herself or others, or that the respondent is gravely disabled.

An extension of a less restrictive treatment order is not permitted where the determination of a likelihood of serious harm is based solely on harm to the property of others.

A new section is created for the treatment of a person with a developmental disability who is civilly committed.

Votes on Final Passage:

House	97	0	
Senate	47	0	(Senate amended)
House			(House refuses to concur)
House	89	0	(House concurred)

Effective: July 26, 2009