

***Juvenile Justice Committee***

***HB 1939***

***Brief Description:*** *Requiring mental health evaluation of minors committing specified crimes on school property.*

***Sponsors:*** *Representatives Dickerson, Eickmeyer, Kenney, McIntire, Edmonds, Keiser, O'Brien, Darneille and Rockefeller; by request of Governor Locke; Superintendent of Public Instruction.*

***Brief Summary of Bill***

- *Requires the detention and mental evaluation of any person age 13 through age 21 who is arrested for threatening to bomb or otherwise injure school property, school provided transportation, or areas of a facility being used exclusively by a school.*
- *Requires the detention and mental evaluation of any person age 13 through age 21 who is arrested for arson on school premises, school provided transportation, or areas of a facility being used exclusively by a school.*

***Hearing Date:*** *2/20/01*

***Staff:*** *Jean Ann Quinn (786-7310).*

***Background:***

***Threatening to Bomb or Injury Property.*** *It is a felony for any person to threaten to bomb or otherwise injure any school building, place of worship or public assembly, governmental property, or any other building, common carrier, or structure, or any place used for human occupancy. Repeating information regarding the threat, knowing that the information is false, and if done to alarm the person to whom it is repeated, is also unlawful. The fact that the threat was a hoax is not a defense.*

***Arson.*** *A person is guilty of arson in the first degree if he or she knowingly and maliciously causes a fire or explosion: (1) that is manifestly dangerous to human life; (2) that damages a dwelling; (3) in a building occupied at the time by a person other than*

*someone involved in the crime; or (4) on property worth ten thousand dollars or more, if done with the intent to collect insurance proceeds.*

*A person is guilty of arson in the second degree if he or she knowingly and maliciously causes a fire or explosion that damages a building, any structure next to or joining building, a wharf, dock, machine, motor vehicle, watercraft, aircraft, bridge, trestle, crop, timber, a range land, pasture land, fence, or any other property.*

*Mental Health Evaluations and Commitments. Minors or adults may be referred for psychological evaluation and possible voluntary or involuntary treatment of a mental disorder. Under the mental health services for minors law, school officials and others may refer a minor student for evaluation and possible inpatient treatment. This law has procedural requirements for reviewing decisions about treatment and has substantive standards regarding who may be involuntarily detained or committed for inpatient treatment.*

*Generally, a person may be subject to these laws if he or she suffers from a "mental disorder" and as a result presents a "likelihood of serious harm".*

- *A mental disorder is defined as "any organic, mental, or emotional impairment which has substantial adverse effects on an individual's cognitive or volitional functions."*
- *A likelihood of serious harm is defined as either:*
  - *presenting a substantial risk of inflicting physical harm on self or others, or on the property of others, as evidenced by threats or attempts or other behavior; or*
  - *threatening the physical safety of another coupled with a history of at least one violent act.*

*Evaluations under the involuntary commitment laws are done by a "county-designated mental health professional" (CDMHP). Evaluations of minors must be done by a CDMHP who is a "children's mental health specialist." A CDMHP is a mental health professional appointed by one or more counties to do evaluations under the involuntary commitment laws. A CDMHP may be a psychiatrist, psychologist, psychiatric nurse, or social worker, or other mental health professional authorized by the Department of Social and Health Services. A children's mental health specialist is a CDMHP who has had at least 100 hours of specialized training and who has had at least one year's experience in treating children under the supervision of another children's mental health specialist.*

*Minors aged 13 and older may be committed for involuntary treatment without parental consent. Younger minors may not be committed without parental consent.*

*Whenever a CDMHP determines that a minor qualifies for involuntary treatment, the minor may be taken to an evaluation and treatment facility. Within 24 hours of admission, the minor must be evaluated by a children's mental health specialist, and within 72 hours must be afforded a commitment hearing. Initial commitments are for up to 14 days. At any time during that period, a commitment of up to 180 days may be sought. Thereafter, successive 180-day commitments may be sought if a petition is filed with the court at least*

*five days before the expiration of the current commitment. Upon reaching age 18, a person must be released or committed for treatment under the adult involuntary commitment law.*

*Similar procedures exist for the involuntary treatment of minors with chemical dependencies.*

***Summary of Bill:***

*Whenever a person between the ages of 13 years old and 21 years old, is arrested for:*

- threatening to bomb or otherwise injure school property, school provided transportation, or areas of a facility being used exclusively by a school; or*
- first or second degree arson on school premises, school provided transportation, or areas of a facility being used exclusively by a school,*

*the person must be detained in a juvenile or adult facility for 72 hours unless released sooner by a court. Within 24 hours of arrest, the person must be referred to a CDMHP, and the person's parent or guardian must be notified. The person must be evaluated by a psychiatrist or psychologist within 24 hours of that referral, and by a chemical dependency specialist within another 24 hours, if so recommended by the initial evaluation.*

*The results of the evaluations must be sent to the school, the parents, the person being evaluated (if over 18), and the court. The court must consider the results of these evaluations in making any determination about the person, but any reference in the evaluation to the events precipitating the arrest are not admissible in a subsequent criminal or juvenile proceeding if the person was unrepresented by counsel at the time of the examination or had not been arraigned prior to the examination. The CDMHP may refer the person for followup services in the community.*

***Appropriation:*** *None.*

***Fiscal Note:*** *Requested on February 13, 2001.*

***Effective Date:*** *This bill contains an emergency clause and takes effect on July 1, 2001.*