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HOUSE BILL 1939

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State of Washington

57th Legislature

2001 Regular Session

By Representatives Dickerson and Eickmeyer; by request of Governor Locke and Superintendent of Public Instruction

Read first time 02/09/2001. Referred to Committee on Juvenile Justice.

1 AN ACT Relating to mental health evaluation of minors who  
2 commit felonies on school facilities; adding a new section to  
3 chapter 9.61 RCW; and adding a new section to chapter 9A.48 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.61 RCW  
6 to read as follows:

7 Upon the arrest of a person at least thirteen years of age and  
8 not more than twenty-one years of age for violating RCW 9.61.160  
9 relating to threats to bomb or injure property, on public or  
10 private elementary or secondary school premises, school provided  
11 transportation, or areas of facilities while being used  
12 exclusively by public or private schools, the person shall be  
13 detained or confined in a juvenile or adult facility for up to  
14 seventy-two hours. The person shall not be released within the  
15 seventy-two hours until after the person has been examined and  
16 evaluated by the county-designated mental health professional  
17 unless the court in its discretion releases the person sooner

1 after a determination regarding probable cause or on probation  
2 bond or bail.

3       Within twenty-four hours of the arrest, the arresting law  
4 enforcement agency shall refer the person to the county-designated  
5 mental health professional for examination and evaluation under  
6 chapter 71.05 or 71.34 RCW and inform a parent or guardian of the  
7 person of the arrest, detention, and examination. Notification to  
8 the parent or guardian shall occur prior to any examination or  
9 evaluation by the county-designated mental health professional. The  
10 county-designated mental health professional shall examine and  
11 evaluate the person subject to the provisions of chapter 71.05 or  
12 71.34 RCW within twenty-four hours of receiving the referral. The  
13 examination shall occur at the facility in which the person is  
14 detained or confined. If the person has been released on probation,  
15 bond, or bail, the examination shall occur wherever is  
16 appropriate.

17       The county-designated mental health professional may, when  
18 appropriate, determine whether to refer the person to the county-  
19 designated chemical dependency specialist for examination and  
20 evaluation in accordance with chapter 70.96A RCW. When a referral  
21 is made by the county-designated mental health professional, the  
22 county-designated chemical dependency specialist shall examine the  
23 person subject to the provisions of chapter 70.96A RCW within  
24 twenty-four hours of receiving the referral. The examination shall  
25 occur at the facility in which the person is detained or  
26 confined. If the person has been released on probation, bond, or  
27 bail, the examination shall occur wherever is appropriate.

28       Upon completion of any examination by the county-designated  
29 mental health professional or the county-designated chemical  
30 dependency specialist, the results of the examination shall be  
31 sent to the court with jurisdiction, the school, the parents, and  
32 to the person if eighteen years of age or older, and the court  
33 shall consider those results in making any determination about the  
34 person. However, any reference in the evaluation report or reports  
35 to facts or circumstances of the alleged acts which resulted in  
36 the arrest of the person shall not be admissible in any criminal  
37 or juvenile proceeding if the person was unrepresented by counsel

1 at the time of the examination, or had not been arraigned prior to  
2 the examination.

3 The county-designated mental health professional and county-  
4 designated chemical dependency specialist shall notify a parent or  
5 guardian of the person, if the person is under the age of  
6 eighteen, that an examination and evaluation has taken place and  
7 the results of the examination. Nothing in this section prohibits  
8 the delivery of additional, appropriate mental health examinations  
9 to the person while the person is detained or confined.

10 If the county-designated mental health professional determines  
11 it is appropriate, the county-designated mental health  
12 professional may refer the person to the local regional support  
13 network for follow-up services or the department of social and  
14 health services or other community providers for other services to  
15 the family and individual.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 9A.48  
17 RCW to read as follows:

18 Upon the arrest of a person at least thirteen years of age and  
19 not more than twenty-one years of age for violating RCW 9A.48.020  
20 relating to arson in the first degree or RCW 9A.48.030 relating to  
21 arson in the second degree, on public or private elementary or  
22 secondary school premises, school provided transportation, or  
23 areas of facilities while being used exclusively by public or  
24 private schools, the person shall be detained or confined in a  
25 juvenile or adult facility for up to seventy-two hours. The person  
26 shall not be released within the seventy-two hours until after the  
27 person has been examined and evaluated by the county-designated  
28 mental health professional unless the court in its discretion  
29 releases the person sooner after a determination regarding  
30 probable cause or on probation bond or bail.

31 Within twenty-four hours of the arrest, the arresting law  
32 enforcement agency shall refer the person to the county-designated  
33 mental health professional for examination and evaluation under  
34 chapter 71.05 or 71.34 RCW and inform a parent or guardian of the  
35 person of the arrest, detention, and examination. Notification to  
36 the parent or guardian shall occur prior to any examination or  
37 evaluation by the county-designated mental health professional. The

1 county-designated mental health professional shall examine and  
2 evaluate the person subject to the provisions of chapter 71.05 or  
3 71.34 RCW within twenty-four hours of receiving the referral. The  
4 examination shall occur at the facility in which the person is  
5 detained or confined. If the person has been released on probation,  
6 bond, or bail, the examination shall occur wherever is  
7 appropriate.

8 The county-designated mental health professional may, when  
9 appropriate, determine whether to refer the person to the county-  
10 designated chemical dependency specialist for examination and  
11 evaluation in accordance with chapter 70.96A RCW. When a referral  
12 is made by the county-designated mental health professional, the  
13 county-designated chemical dependency specialist shall examine the  
14 person subject to the provisions of chapter 70.96A RCW within  
15 twenty-four hours of receiving the referral. The examination shall  
16 occur at the facility in which the person is detained or  
17 confined. If the person has been released on probation, bond, or  
18 bail, the examination shall occur wherever is appropriate.

19 Upon completion of any examination by the county-designated  
20 mental health professional or the county-designated chemical  
21 dependency specialist, the results of the examination shall be  
22 sent to the court with jurisdiction, the school, the parents, and  
23 to the person if eighteen years of age or older, and the court  
24 shall consider those results in making any determination about the  
25 person. However, any reference in the evaluation report or reports  
26 to facts or circumstances of the alleged acts which resulted in  
27 the arrest of the person shall not be admissible in any criminal  
28 or juvenile proceeding if the person was unrepresented by counsel  
29 at the time of the examination, or had not been arraigned prior to  
30 the examination.

31 The county-designated mental health professional and county-  
32 designated chemical dependency specialist shall notify a parent or  
33 guardian of the person, if the person is under the age of  
34 eighteen, that an examination and evaluation has taken place and  
35 the results of the examination. Nothing in this section prohibits  
36 the delivery of additional, appropriate mental health examinations  
37 to the person while the person is detained or confined.

38 If the county-designated mental health professional determines

1 it is appropriate, the county-designated mental health  
2 professional may refer the person to the local regional support  
3 network for follow-up services or the department of social and  
4 health services or other community providers for other services to  
5 the family and individual.

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