
HOUSE BILL 2025

State of Washington 58th Legislature 2003 Regular Session

By Representatives Haigh, Hatfield, Darneille, Lovick, O'Brien, Romero and Blake

Read first time 02/19/2003. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to mental illness; amending RCW 71.05.150; adding
2 a new section to chapter 43.101 RCW; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.101 RCW
5 to read as follows:

6 (1) The criminal justice training commission shall develop training
7 for local law enforcement agencies targeted toward developing
8 collaborative approaches to dealing with individuals with mental
9 illness. The purpose of the training is to facilitate cooperative
10 mental health-police efforts and enhanced community protection by
11 establishing crisis intervention protocols, de-escalating potentially
12 volatile situations, assessing an individual's medication information
13 and relevant history, and evaluating an individuals's social support
14 system. The training shall include but not be limited to conflict
15 management, ethnic sensitivity, cultural awareness, and effective
16 crisis intervention techniques.

17 (2) Local law enforcement agencies are encouraged to form mental
18 health-police partnerships. These partnerships are encouraged to
19 organize citizen-police task forces which meet on a regular basis to

1 promote greater citizen involvement in addressing the unique challenges
2 posed by individuals with a mental illness. Partnerships that are
3 formed are encouraged to report to the criminal justice training
4 commission of their formation and progress.

5 **Sec. 2.** RCW 71.05.150 and 1998 c 297 s 8 are each amended to read
6 as follows:

7 (1)(a) When a county designated mental health professional receives
8 information alleging that a person, as a result of a mental disorder:
9 (i) Presents a likelihood of serious harm; or (ii) is gravely disabled;
10 the county designated mental health professional may, after
11 investigation and evaluation of the specific facts alleged and of the
12 reliability and credibility of any person providing information to
13 initiate detention, if satisfied that the allegations are true and that
14 the person will not voluntarily seek appropriate treatment, file a
15 petition for initial detention. Before filing the petition, the county
16 designated mental health professional must personally interview the
17 person, unless the person refuses an interview, and determine whether
18 the person will voluntarily receive appropriate evaluation and
19 treatment at an evaluation and treatment facility.

20 (b) Whenever it appears, by petition for initial detention, to the
21 satisfaction of a judge of the superior court that a person presents,
22 as a result of a mental disorder, a likelihood of serious harm, or is
23 gravely disabled, and that the person has refused or failed to accept
24 appropriate evaluation and treatment voluntarily, the judge may issue
25 an order requiring the person to appear within twenty-four hours after
26 service of the order at a designated evaluation and treatment facility
27 for not more than a seventy-two hour evaluation and treatment period.
28 The order shall state the address of the evaluation and treatment
29 facility to which the person is to report and whether the required
30 seventy-two hour evaluation and treatment services may be delivered on
31 an outpatient or inpatient basis and that if the person named in the
32 order fails to appear at the evaluation and treatment facility at or
33 before the date and time stated in the order, such person may be
34 involuntarily taken into custody for evaluation and treatment. The
35 order shall also designate retained counsel or, if counsel is appointed
36 from a list provided by the court, the name, business address, and
37 telephone number of the attorney appointed to represent the person.

1 (c) The county designated mental health professional shall then
2 serve or cause to be served on such person, his or her guardian, and
3 conservator, if any, a copy of the order to appear together with a
4 notice of rights and a petition for initial detention. After service
5 on such person the county designated mental health professional shall
6 file the return of service in court and provide copies of all papers in
7 the court file to the evaluation and treatment facility and the
8 designated attorney. The county designated mental health professional
9 shall notify the court and the prosecuting attorney that a probable
10 cause hearing will be held within seventy-two hours of the date and
11 time of outpatient evaluation or admission to the evaluation and
12 treatment facility. The person shall be permitted to remain in his or
13 her home or other place of his or her choosing prior to the time of
14 evaluation and shall be permitted to be accompanied by one or more of
15 his or her relatives, friends, an attorney, a personal physician, or
16 other professional or religious advisor to the place of evaluation. An
17 attorney accompanying the person to the place of evaluation shall be
18 permitted to be present during the admission evaluation. Any other
19 individual accompanying the person may be present during the admission
20 evaluation. The facility may exclude the individual if his or her
21 presence would present a safety risk, delay the proceedings, or
22 otherwise interfere with the evaluation.

23 (d) If the person ordered to appear does appear on or before the
24 date and time specified, the evaluation and treatment facility may
25 admit such person as required by RCW 71.05.170 or may provide treatment
26 on an outpatient basis. If the person ordered to appear fails to
27 appear on or before the date and time specified, the evaluation and
28 treatment facility shall immediately notify the county designated
29 mental health professional who may notify a peace officer to take such
30 person or cause such person to be taken into custody and placed in an
31 evaluation and treatment facility. Should the county designated mental
32 health professional notify a peace officer authorizing him or her to
33 take a person into custody under the provisions of this subsection, he
34 or she shall file with the court a copy of such authorization and a
35 notice of detention. At the time such person is taken into custody
36 there shall commence to be served on such person, his or her guardian,
37 and conservator, if any, a copy of the original order together with a

1 notice of detention, a notice of rights, and a petition for initial
2 detention.

3 (2) When a county designated mental health professional receives
4 information alleging that a person, as the result of a mental disorder,
5 presents an imminent likelihood of serious harm, or is in imminent
6 danger because of being gravely disabled, after investigation and
7 evaluation of the specific facts alleged and of the reliability and
8 credibility of the person or persons providing the information if any,
9 the county designated mental health professional may take such person,
10 or cause by oral or written order such person to be taken into
11 emergency custody in an evaluation and treatment facility for not more
12 than seventy-two hours as described in RCW 71.05.180.

13 (3) A peace officer may take such person or cause such person to be
14 taken into custody and placed in an evaluation and treatment facility
15 pursuant to subsection (1)(d) of this section.

16 (4) A peace officer may, without prior notice of the proceedings
17 provided for in subsection (1) of this section, take or cause such
18 person to be taken into custody and immediately delivered to an
19 evaluation and treatment facility or the emergency department of a
20 local hospital:

21 (a) Only pursuant to subsections (1)(d) and (2) of this section; or

22 (b) When he or she has reasonable cause to believe that such person
23 is suffering from a mental disorder and presents an imminent likelihood
24 of serious harm or is in imminent danger because of being gravely
25 disabled.

26 (5) Persons delivered to evaluation and treatment facilities by
27 peace officers pursuant to subsection (4)(b) of this section may be
28 held by the facility for a period of up to twelve hours: PROVIDED,
29 That they are examined by a mental health professional within three
30 hours of their arrival. Within twelve hours of their arrival, the
31 county designated mental health professional must file a supplemental
32 petition for detention, and commence service on the designated attorney
33 for the detained person.

34 (6) A person detained and taken into custody under this section by
35 a county designated mental health professional or a peace officer shall
36 not be charged with assault if physically resisting under diminished
37 capacity conditions and at least one of the following conditions is
38 present:

1 (a) Proper and adequate crisis intervention training for detaining
2 a person with mental illness was not provided to the detaining person;

3 (b) No permanent bodily harm was done to the detaining person;

4 (c) The detainee was psychotic at the time he or she was taken into
5 custody;

6 (d) The detainee was acting in a defensive manner; or

7 (e) The detainee was not armed.

8 NEW SECTION. Sec. 3. This act may be known and cited as the Shawn
9 Bryan act.

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