

HOUSE BILL REPORT

ESB 6018

As Passed House:

April 4, 2007

Title: An act relating to detention of persons with a mental disorder or a chemical dependency.

Brief Description: Changing provisions concerning detention of persons with a mental disorder or chemical dependency.

Sponsors: By Senator Brandland.

Brief History:

Committee Activity:

Human Services: 3/26/07 [DP].

Floor Activity:

Passed House: 4/4/07, 95-0.

Brief Summary of Engrossed Bill

- Changes the procedure to initiate an involuntary commitment under the integrated crisis response and involuntary treatment pilot program and clarifies the duties of law enforcement.

HOUSE COMMITTEE ON HUMAN SERVICES

Majority Report: Do pass. Signed by 7 members: Representatives Dickerson, Chair; Roberts, Vice Chair; Walsh, Assistant Ranking Minority Member; Bailey, Darneille, McCoy and O'Brien.

Staff: Sonja Hallum (786-7092).

Background:

In 2005, the Legislature passed E2SSB 5763, the Omnibus Treatment of Mental and Substance Abuse Disorders Act of 2005. One aspect of this legislation was the creation of a pilot program to provide integrated crisis support networks and involuntary treatment pilot programs that allocated resources for both integrated services and secure detoxification services in the pilot areas.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Under the pilot program, a designated crisis responder may file a petition for initial detention when a person presents a likelihood of serious harm or is gravely disabled as a result of a mental disorder, a chemical dependency disorder, or both, and the person refused to voluntarily receive an evaluation and treatment.

If a judge finds the individual meets the criteria set out in the petition, the judge may order the person to appear at a designated facility within 24 hours after service of the order. The person may then be held for an evaluation for up to 72 hours.

If the person fails to appear at the facility, the person may be involuntarily taken into custody by law enforcement and held in an evaluation and treatment facility for up to 72 hours for evaluation and treatment.

Summary of Bill:

The process for initiating an involuntary treatment commitment based on mental health or chemical dependency is changed in the pilot program to replace the summons procedure with a procedure requiring the individual to be detained under court order.

The court may enter an order to detain a person in an evaluation and treatment facility, a detoxification facility, or with a certified chemical dependency provider for up to 72 hours whenever it is determined by the judge that there is probable cause to support the petition filed by the designated crisis responder and that the person has failed to accept appropriate evaluation and treatment voluntarily.

A police officer may take a person into custody and deliver them to an evaluation and treatment facility, a detoxification facility, or with a certified chemical dependency provider when an order to detain has been issued by the court or when the officer has reasonable cause to believe the person presents an imminent likelihood of serious harm or is in imminent danger because of being gravely disabled.

Once the officer brings the person to the facility, they may be held for up to 12 hours and must be examined by the designated crisis responder within three hours of arrival. If the evaluation determines the person should be detained, a petition for detention must be filed.

The sections in the bill expire on July 1, 2008.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony:

(In support) This is really a housekeeping bill. It deals with two pilot programs. It is important because of the linkage to SSB 5533. These bills are extremely important. Many reports and studies show the serious problem of individuals with mental illness in the jail. More than half of all inmates in jails and prisons have mental illnesses. King County jails have become the second largest provider of treatment to mentally ill individuals in the state, just behind Western State Hospital. Almost 50 to 60 percent of individuals have a dual diagnosis. These bills will allow offenders to be diverted from the jails at a great savings. These laws are important to help protect the most vulnerable and the most in need of help.

(Opposed) None.

Persons Testifying: Eleanor Owen, Jim Adams, and Seth Dawson, National Alliance on Mental Illness-Washington; and Judy Lightfoot.

Persons Signed In To Testify But Not Testifying: None.