

FINAL BILL REPORT

ESB 6018

C 120 L 07
Synopsis as Enacted

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

Sponsors: Senator Brandland.

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

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 in the Pierce County Regional Support Network and the North Sound Regional Support Network. The pilot program combines the initial detention process of adults with chemical dependency and mental disorders through the use of a designated crisis responder (DCR) with authority to initiate civil commitment proceedings. The pilot also includes secure detoxification facilities for detention.

Case law interpreting the mental health detention statute requires that an individual must be at "imminent risk" of grave disability or pose an "imminent" likelihood of substantial harm before a designated mental health professional (DMHP) can detain the individual. Once the individual is detained they must be seen by a mental health professional within three hours and a petition for detention must be filed within 12 hours of the detention. If the individual does not present an imminent risk the DMHP must obtain a summons from a judicial officer, including a finding that there is probable cause to detain the individual. The DMHP must then serve the summons on the individual. The individual then has 24 hours to report to a facility for evaluation and treatment.

Summary: The non-emergent detention process is modified. The use of a summons and a 24-hour reporting period is eliminated. Instead, DCRs are authorized to contact judicial officers to obtain an "order to detain." Judicial officers may consider sworn telephonic testimony or written affidavits in determining whether there is probable cause to detain the individual for a 72-hour period of evaluation and treatment. DCRs may notify law enforcement that an order to detain has been entered and request that the individual be escorted to an evaluation and treatment facility, a secure detoxification facility, or a certified chemical dependency provider.

Votes on Final Passage:

Senate	44	0
House	95	0

Effective: April 18, 2007