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SECOND SUBSTITUTE HOUSE BILL 2882

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State of Washington                      61st Legislature                      2010 Regular Session

By House Ways & Means (originally sponsored by Representatives Klippert, Green, Dammeier, Dickerson, Kelley, Wallace, and McCune)

READ FIRST TIME 02/09/10.

1            AN ACT Relating to detaining persons with mental disorders;  
2 amending RCW 70.96B.045, 71.05.050, and 71.05.153; creating new  
3 sections; and providing an expiration date.

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

5            **Sec. 1.** RCW 70.96B.045 and 2007 c 120 s 2 are each amended to read  
6 as follows:

7            (1) If a designated crisis responder receives information alleging  
8 that a person, as the result of:

9            (a) A mental disorder, presents ((~~an imminent~~)) a substantial  
10 likelihood of serious harm, or is in ((~~imminent~~)) a substantial  
11 likelihood of danger because of being gravely disabled, after  
12 investigation and evaluation of the specific facts alleged and of the  
13 reliability and credibility of the person or persons providing the  
14 information if any, the designated crisis responder may take the  
15 person, or cause by oral or written order the person to be taken into  
16 emergency custody in an evaluation and treatment facility for not more  
17 than seventy-two hours as described in this chapter; or

18            (b) Chemical dependency, presents ((~~an imminent~~)) a substantial  
19 likelihood of serious harm, or is in ((~~imminent~~)) a substantial

1 likelihood of danger because of being gravely disabled, after  
2 investigation and evaluation of the specific facts alleged and of the  
3 reliability and credibility of the person or persons providing the  
4 information if any, the designated crisis responder may take the  
5 person, or cause by oral or written order the person to be taken into  
6 emergency custody in a secure detoxification facility for not more than  
7 seventy-two hours as described in this chapter.

8 (2) The designated mental health professional may consider  
9 information provided by families, landlords, neighbors, or others with  
10 significant contact and history of involvement with the person, if the  
11 information is readily and reasonably available.

12 (3) The evaluation and treatment facility, the secure  
13 detoxification facility, or other certified chemical dependency  
14 provider shall then evaluate the person's condition and admit, detain,  
15 transfer, or discharge such person in accordance with this chapter.  
16 The facility shall notify in writing the court and the designated  
17 crisis responder of the date and time of the initial detention of each  
18 person involuntarily detained so that a probable cause hearing will be  
19 held no later than seventy-two hours after detention.

20 ((+3)) (4) A peace officer may take or cause the person to be  
21 taken into custody and immediately delivered to an evaluation and  
22 treatment facility, secure detoxification facility, or other certified  
23 chemical dependency treatment provider: (a) Pursuant to this section;  
24 or (b) when he or she has reasonable cause to believe that such person,  
25 as a result of a mental disorder or chemical dependency, presents ((an  
26 imminent)) a substantial likelihood of serious harm, or is in  
27 ((imminent)) a substantial likelihood of danger because of being  
28 gravely disabled. An individual brought to a facility by a peace  
29 officer may be held for up to twelve hours: PROVIDED, That the  
30 individual is examined by a designated crisis responder within three  
31 hours of arrival. Within twelve hours of arrival the designated crisis  
32 responder must determine whether the individual meets detention  
33 criteria. If the individual is detained, the designated mental health  
34 professional shall file a petition for detention or supplemental  
35 petition as appropriate and commence service on the designated attorney  
36 for the detained person.

37 ((+4)) (5) Nothing in this chapter limits the power of a peace

1 officer to take a person into custody and immediately deliver the  
2 person to the emergency department of a local hospital or to a  
3 detoxification facility.

4 **Sec. 2.** RCW 71.05.050 and 2000 c 94 s 3 are each amended to read  
5 as follows:

6 Nothing in this chapter shall be construed to limit the right of  
7 any person to apply voluntarily to any public or private agency or  
8 practitioner for treatment of a mental disorder, either by direct  
9 application or by referral. Any person voluntarily admitted for  
10 inpatient treatment to any public or private agency shall be released  
11 immediately upon his or her request. Any person voluntarily admitted  
12 for inpatient treatment to any public or private agency shall orally be  
13 advised of the right to immediate discharge, and further advised of  
14 such rights in writing as are secured to them pursuant to this chapter  
15 and their rights of access to attorneys, courts, and other legal  
16 redress. Their condition and status shall be reviewed at least once  
17 each one hundred eighty days for evaluation as to the need for further  
18 treatment or possible discharge, at which time they shall again be  
19 advised of their right to discharge upon request: PROVIDED HOWEVER,  
20 That if the professional staff of any public or private agency or  
21 hospital ((regards)) determines that a person voluntarily admitted who  
22 requests discharge ((as-presenting)) presents, as a result of a mental  
23 disorder, ((an-imminent)) a substantial likelihood of serious harm, or  
24 is in substantial likelihood of being gravely disabled, they may detain  
25 such person for sufficient time to notify the ((county)) designated  
26 mental health professional of such person's condition to enable the  
27 ((county)) designated mental health professional to authorize such  
28 person being further held in custody or transported to an evaluation  
29 and treatment center pursuant to the provisions of this chapter, which  
30 shall in ordinary circumstances be no later than the next judicial day:  
31 PROVIDED FURTHER, That if a person is brought to the emergency room of  
32 a public or private agency or hospital for observation or treatment,  
33 the person refuses voluntary admission, and the professional staff of  
34 the public or private agency or hospital ((regard)) determines that  
35 such person ((as-presenting)) presents, as a result of a mental  
36 disorder ((an-imminent)) a substantial likelihood of serious harm, or  
37 ((as-presenting-an-imminent)) is in a substantial likelihood of danger

1 because of (~~grave disability~~) being gravely disabled, they may detain  
2 such person for sufficient time to notify the (~~county~~) designated  
3 mental health professional of such person's condition to enable the  
4 (~~county~~) designated mental health professional to authorize such  
5 person being further held in custody or transported to an evaluation  
6 treatment center pursuant to the conditions in this chapter, but which  
7 time shall be no more than six hours from the time the professional  
8 staff determine that an evaluation by the (~~county~~) designated mental  
9 health professional is necessary.

10 **Sec. 3.** RCW 71.05.153 and 2007 c 375 s 8 are each amended to read  
11 as follows:

12 (1) When a designated mental health professional receives  
13 information alleging that a person, as the result of a mental disorder,  
14 presents (~~an imminent~~) a substantial likelihood of serious harm, or  
15 is in (~~imminent~~) a substantial likelihood of danger because of being  
16 gravely disabled, after investigation and evaluation of the specific  
17 facts alleged and of the reliability and credibility of the person or  
18 persons providing the information if any, the designated mental health  
19 professional may take such person, or cause by oral or written order  
20 such person to be taken into emergency custody in an evaluation and  
21 treatment facility for not more than seventy-two hours as described in  
22 RCW 71.05.180. The designated mental health professional may consider  
23 information provided by families, landlords, neighbors, or others with  
24 significant contact and history of involvement with the person, if the  
25 information is readily and reasonably available.

26 (2) A peace officer may take or cause such person to be taken into  
27 custody and immediately delivered to a crisis stabilization unit, an  
28 evaluation and treatment facility, or the emergency department of a  
29 local hospital under the following circumstances:

30 (a) Pursuant to subsection (1) of this section; or

31 (b) When he or she has reasonable cause to believe that such person  
32 is suffering from a mental disorder and presents (~~an imminent~~) a  
33 substantial likelihood of serious harm or is in (~~imminent~~) a  
34 substantial likelihood of danger because of being gravely disabled.

35 (3) Persons delivered to a crisis stabilization unit, evaluation  
36 and treatment facility, or the emergency department of a local hospital  
37 by peace officers pursuant to subsection (2) of this section may be

1 held by the facility for a period of up to twelve hours: PROVIDED,  
2 That they are examined by a mental health professional within three  
3 hours of their arrival. Within twelve hours of their arrival, the  
4 designated mental health professional must determine whether the  
5 individual meets detention criteria. If the individual is detained,  
6 the designated mental health professional shall file a petition for  
7 detention or a supplemental petition as appropriate and commence  
8 service on the designated attorney for the detained person.

9 NEW SECTION. **Sec. 4.** (1) The research and data analysis division  
10 of the department of social and health services shall track and review  
11 the outcomes regarding the number of seventy-two hour, fourteen-day,  
12 and ninety-day commitments and the cost of providing treatment as a  
13 result of the implementation of sections 1 through 3 of this act.

14 (2) The research and data analysis division shall make an initial  
15 report to the legislature regarding its findings no later than October  
16 1, 2011, and a second report no later than October 1, 2012. It shall  
17 make a final report no later than October 1, 2013.

18 NEW SECTION. **Sec. 5.** This act expires June 30, 2014.

19 NEW SECTION. **Sec. 6.** If specific funding for the purposes of this  
20 act, referencing this act by bill or chapter number, is not provided by  
21 June 30, 2010, in the omnibus appropriations act, this act is null and  
22 void.

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