
HOUSE BILL 2882

State of Washington 61st Legislature 2010 Regular Session

By Representatives Klippert, Green, Dammeier, Dickerson, Kelley, Wallace, and McCune

Read first time 01/15/10. Referred to Committee on Human Services.

1 AN ACT Relating to detaining persons with mental disorders; and
2 amending RCW 70.96B.045, 71.05.050, and 71.05.153.

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

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

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

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

17 (b) Chemical dependency, presents (~~(an imminent)~~) a substantial
18 likelihood of serious harm, or is in (~~(imminent)~~) a substantial
19 likelihood of danger because of being gravely disabled, after

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

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

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

32 (4) Nothing in this chapter limits the power of a peace officer to
33 take a person into custody and immediately deliver the person to the
34 emergency department of a local hospital or to a detoxification
35 facility.

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

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

1 time shall be no more than six hours from the time the professional
2 staff determine that an evaluation by the ((county)) designated mental
3 health professional is necessary.

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

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

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

21 (a) Pursuant to subsection (1) 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)) a
24 substantial likelihood of serious harm or is in ((imminent)) a
25 substantial likelihood of danger because of being gravely disabled.

26 (3) Persons delivered to a crisis stabilization unit, evaluation
27 and treatment facility, or the emergency department of a local hospital
28 by peace officers pursuant to subsection (2) of this section may be
29 held by the facility for a period of up to twelve hours: PROVIDED,
30 That they are examined by a mental health professional within three
31 hours of their arrival. Within twelve hours of their arrival, the
32 designated mental health professional must determine whether the
33 individual meets detention criteria. If the individual is detained,
34 the designated mental health professional shall file a petition for
35 detention or a supplemental petition as appropriate and commence

1 service on the designated attorney for the detained person.

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