
SUBSTITUTE HOUSE BILL 2131

State of Washington 62nd Legislature 2011 2nd Special Session

By House Ways & Means (originally sponsored by Representatives Dickerson and Hunter; by request of Department of Social and Health Services)

READ FIRST TIME 12/13/11.

1 AN ACT Relating to delaying implementation of provisions regarding
2 evaluations of persons under the involuntary treatment act; amending
3 RCW 71.05.212; amending 2010 c 280 s 5 (uncodified); providing an
4 effective date; providing an expiration date; and declaring an
5 emergency.

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

7 **Sec. 1.** 2010 c 280 s 5 (uncodified) is amended to read as follows:
8 Sections 2 and 3 of this act take effect (~~January~~) July 1,
9 (~~2012~~) 2015.

10 **Sec. 2.** RCW 71.05.212 and 1999 c 214 s 5 are each amended to read
11 as follows:

12 (1) Whenever a (~~county~~) designated mental health professional or
13 professional person is conducting an evaluation under this chapter,
14 consideration shall include all reasonably available information from
15 credible witnesses and records regarding:

16 (~~(1)~~) (a) Prior recommendations for evaluation of the need for
17 civil commitments when the recommendation is made pursuant to an
18 evaluation conducted under chapter 10.77 RCW;

1 ((+2)) (b) History of one or more violent acts;
2 ((+3)) (c) Prior determinations of incompetency or insanity under
3 chapter 10.77 RCW; and
4 ((+4)) (d) Prior commitments under this chapter.

5 ((In addition,)) (2) Credible witnesses may include family members,
6 landlords, neighbors, or others with significant contact and history of
7 involvement with the person. If the designated mental health
8 professional relies upon information from a credible witness in
9 reaching his or her decision to detain the individual, then he or she
10 must provide contact information for any such witness to the
11 prosecutor. The designated mental health professional or prosecutor
12 shall provide notice of the date, time, and location of the probable
13 cause hearing to such a witness.

14 (3) When conducting an evaluation for offenders identified under
15 RCW 72.09.370, the ((county)) designated mental health professional or
16 professional person shall consider an offender's history of judicially
17 required or administratively ordered antipsychotic medication while in
18 confinement.

19 NEW SECTION. Sec. 3. Section 2 of this act expires July 1, 2015.

20 NEW SECTION. Sec. 4. This act is necessary for the immediate
21 preservation of the public peace, health, or safety, or support of the
22 state government and its existing public institutions, and takes effect
23 immediately, except for section 2 of this act which takes effect
24 January 1, 2012.

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