

# FINAL BILL REPORT

## 2SHB 2627

---

---

C 128 L 14  
Synopsis as Enacted

**Brief Description:** Concerning individuals in the juvenile justice and criminal justice systems who suffer from chemical dependency.

**Sponsors:** House Committee on Appropriations Subcommittee on Health & Human Services (originally sponsored by Representatives Roberts, Hayes, Moscoso, Robinson and Freeman).

**House Committee on Public Safety**  
**House Committee on Early Learning & Human Services**  
**House Committee on Appropriations Subcommittee on Health & Human Services**  
**Senate Committee on Human Services & Corrections**

### **Background:**

The Division of Behavioral Health and Recovery (DBHR) of the Department of Social and Health Services (DSHS) provides state-funded chemical dependency treatment services for individuals who are low-income and assessed as alcohol or other drug dependent.

### Involuntary Commitment.

When a designated chemical dependency specialist receives information alleging that a person presents a likelihood of serious harm or is gravely disabled as a result of chemical dependency, the specialist may file a commitment petition with a court. If a court determines the grounds for involuntary commitment have been established by clear, cogent, and convincing proof, it shall make an order of commitment to an approved treatment program for 60 days. An individual is discharged from involuntary treatment after 60 days unless the program files a petition for recommitment, which may result in a further 90-day commitment period. There are two involuntary commitment centers in Washington located in Spokane and Sedro-Wooley.

### Law Enforcement Authority and Juveniles Suffering from a Mental Disorder.

When a police officer has reasonable cause to believe a juvenile has committed a non-felony offense and the juvenile suffers from a mental disorder, the officer is authorized to take the individual to an evaluation and treatment facility or other locations to which the prosecutor, law enforcement, and mental health provider have agreed. The officer may exercise this authority instead of taking a juvenile to detention.

---

*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.*

### Diversions.

A diversion agreement is a contract between a juvenile accused of an offense and a diversion unit where a juvenile agrees to certain conditions instead of prosecution. Diversion agreements may include: community restitution, financial restitution, counseling and educational or informational sessions at a community agency, a fine, requirements to remain in certain locations at specific times, and refraining from contact with victims or witnesses.

In cases without a victim or where a juvenile has no prior criminal history and is alleged to have committed an offense involving no threat or actual harm and not involving more than \$50 of property damage or loss, a diversion unit may counsel and release a juvenile.

### **Summary:**

#### Pilot Program.

A pilot program is established in Snohomish County allowing a police officer to take an individual to designated places designed to treat chemical dependency when the individual:

- committed a non-felony crime that is not a serious offense;
- has not committed driving or being in physical control of a vehicle while under the influence of intoxicating liquor or drugs; and
- is known by history or consultation with staff designated by the county to suffer from a chemical dependency.

A police officer has the following options for an individual described above:

- taking that individual to an approved chemical dependency treatment provider, where the individual must be examined within three hours;
- taking that individual to an emergency medical service used for incapacitated persons if no treatment program is readily available, where the individual must be examined within three hours;
- referring the individual to a chemical dependency professional for involuntary detention and proceedings; or
- releasing the individual upon agreement to voluntary participation in outpatient treatment.

After referring an individual to treatment, a police officer must submit a report to the prosecutor within 10 days.

If the individual is released to the community from treatment, the treatment provider must inform the arresting officer of the release if the officer requested notification. In determining whether to refer an individual to treatment, the officer must be guided by standards agreed upon with the prosecutor. These standards must include the length, seriousness, and recency of the individual's known criminal history, the mental health and substance abuse history of the individual, and the circumstances of the offense. Any agreement to participate in treatment may not require a stipulation to any of the alleged facts. If an individual violates a treatment agreement, the chemical dependency provider must inform law enforcement. The police officer, staff designated by the county, or treatment personnel are immune from liability for any good faith conduct.

The pilot program expires on July 31, 2019.

Snohomish County must evaluate the effects of the pilot program and submit a report to the Legislature summarizing the effectiveness of the program and providing specified data. The report is due July 15, 2013, and every other year until July 1, 2019.

Juvenile Provisions.

If a law enforcement officer takes a juvenile who suffers from a mental disorder to an alternative treatment facility instead of detention, that juvenile may be examined by a chemical dependency professional if the youth is suffering from chemical dependency. The name "mental health diversions" is changed to "behavioral health diversions."

If a diversion assessment identifies a chemical dependency need, a youth may access up to 30 hours of counseling.

**Votes on Final Passage:**

House	97	0	
Senate	47	0	(Senate amended)
House	97	1	(House concurred)

**Effective:** June 12, 2014