

# HOUSE BILL REPORT

## SSB 5282

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### As Reported by House Committee On: Judiciary

**Title:** An act relating to creating a statewide database of mental health commitment information.

**Brief Description:** Creating a statewide database of mental health commitment information.

**Sponsors:** Senate Committee on Human Services & Corrections (originally sponsored by Senators Carrell, Pearson, Keiser, Sheldon, Becker, Tom, Parlette, Rivers, Braun, Bailey, Padden, Roach, Litzow, Honeyford and Shin).

#### **Brief History:**

##### **Committee Activity:**

Judiciary: 3/21/13, 3/27/13 [DPA].

#### **Brief Summary of Substitute Bill (As Amended by Committee)**

- Requires the Department of Licensing to convene a work group to develop a proposal for the consolidation of statewide involuntary commitment data.
- Establishes requirements for Regional Support Networks to provide historical and new involuntary commitment data to the Department of Social and Health Services.

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### HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass as amended. Signed by 13 members: Representatives Pedersen, Chair; Hansen, Vice Chair; Rodne, Ranking Minority Member; O'Ban, Assistant Ranking Minority Member; Goodman, Hope, Jinkins, Kirby, Klippert, Nealey, Orwall, Roberts and Shea.

**Staff:** Edie Adams (786-7180).

#### **Background:**

Under both state and federal law certain persons are prohibited from possessing firearms. A person who has been involuntarily committed for mental health treatment is prohibited from

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*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.*

possessing a firearm unless the person's right to possess a firearm has been restored by a court.

Records of persons involuntarily committed for mental health treatment are maintained by the Department of Social and Health Services (DSHS) and by various community mental health agencies within the state's 11 Regional Support Networks (RSNs). Since 2009, whenever a person is involuntarily committed for mental health treatment, the court must transmit, within three judicial days, the commitment information to the Department of Licensing (DOL) and to the National Instant Criminal Background Check System (NICS) denied persons file. Prior to 2009 the DSHS on a monthly basis submitted to the NICS certain mental health records from a variety of sources, such as its state hospital admission data and data from county-based mental health authorities.

Various state statutes require local law enforcement agencies to conduct background checks for the purpose of determining a person's eligibility to possess a firearm. These background check requirements apply to firearms transfers by dealers, concealed pistol license applications, and alien firearm license applications. Background checks for these purposes generally require local law enforcement agencies, in determining whether a person is eligible to possess a firearm, to check with the NICS, the Washington State Patrol database, the DSHS database, and with other agencies or resources as appropriate. For the purposes of determining whether a person has a disqualifying involuntary commitment, law enforcement agencies frequently contact the RSNs or community mental health agencies in addition to the DSHS.

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### **Summary of Amended Bill:**

The DOL must convene a work group involving the Washington State Patrol, the DSHS, the Administrative Office of the Courts, and representatives of RSNs and the superior courts. The work group must develop a proposal for the consolidation of statewide involuntary commitment information in order to provide accurate and efficient verification of eligibility to possess a firearm. The work group must also make recommendations on how to maintain the privacy of commitment information and whether access to the database legally can be provided to designated mental health professionals or law enforcement officials. The work group must report its recommendations to the Governor and Legislature by December 1, 2013.

By August 1, 2013, all RSNs must forward historical mental health involuntary commitment information retained by the organization to the DSHS. The information forwarded must include identifying information and commitment dates. As soon as feasible, RSNs must arrange to report new commitment data to the DSHS within 24 hours. Commitment data that is already possessed by the DSHS does not need to be resent. The RSNs and the DSHS are immune from liability related to the sharing of commitment information under these requirements.

### **Amended Bill Compared to Substitute Bill:**

The substitute bill did not direct the work group to report its recommendations to the Governor and Legislature by December 1, 2013.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) The original bill required consolidation of involuntary commitment data but it became clear that more time was needed to develop a proposal for accomplishing that goal. Law enforcement needs one consolidated database to check when determining whether a person is prohibited from possessing a firearm so that we can comply with state and federal law requirements. We do not need to know the underlying cause, just whether the person is eligible to possess.

(Opposed) None.

**Persons Testifying:** Don Pierce, Washington Association of Sheriffs and Police Chiefs.

**Persons Signed In To Testify But Not Testifying:** None.