

SENATE BILL REPORT

2SHB 2627

As Reported by Senate Committee On:
Human Services & Corrections, February 27, 2014

Title: An act relating to the arrest of individuals who suffer from chemical dependency.

Brief Description: Concerning the arrest of individuals 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).

Brief History: Passed House: 2/17/14, 97-0.

Committee Activity: Human Services & Corrections: 2/24/14, 2/27/14 [DPA].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass as amended.

Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove and Padden.

Staff: Kevin Black (786-7747)

Background: A police officer may take an arrested individual who the officer has reasonable cause to believe committed a misdemeanor or gross misdemeanor offense which is not serious and who is known to suffer from a mental disorder to a crisis stabilization unit, triage facility, or evaluation and treatment facility instead of jail. The officer may also release the individual upon agreement to voluntarily participate in treatment. The facility must notify the officer upon the person's release from treatment if the arresting officer requests notice. An agreement to participate in treatment does not create immunity from prosecution. The facility must notify the arresting officer if the individual breaks the treatment agreement. The police officer must be guided by standards mutually agreed upon with the prosecuting attorney.

A misdemeanor or gross misdemeanor is not serious when it is not a violent offense, sex offense, serious traffic offense, most serious offense, crime against persons, firearm or dangerous weapon offense, domestic violence offense, or harassment offense.

A police officer may take an arrested juvenile who the officer has reasonable cause to believe committed a misdemeanor or gross misdemeanor offense which is not serious and who is

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.

known to suffer from a mental disorder to a treatment facility based upon an agreement between the local prosecutor and law enforcement. The juvenile may be held for up to 12 hours at the facility and must be examined within three hours of arrival.

A diversion agreement may be entered with a juvenile accused of an offense. If the assessment of the juvenile reveals mental health needs, the juvenile may access up to 30 hours of counseling.

Summary of Bill (Recommended Amendments): A pilot program is established in Snohomish County allowing a police officer to take an individual who the officer has reasonable cause to believe has committed a misdemeanor or gross misdemeanor offense which is not serious and who is known to suffer from a chemical dependency disorder to an approved chemical dependency provider or emergency medical service instead of jail, pursuant to an agreement between law enforcement and the local prosecuting attorney. The officer may also release the individual upon agreement to voluntarily participate in outpatient treatment. The individual must not have committed a violation relating to driving or being in physical control of a vehicle while intoxicated. The chemical dependency provider must notify the officer upon the person's release from treatment if the arresting officer requests notice. An agreement to participate in treatment does not create immunity from prosecution. The facility must notify the arresting officer if the individual breaks the treatment agreement. The police officer must submit a written report to the prosecuting attorney within ten days. Snohomish County must evaluate the effects of the pilot program, including treatment completion, cost savings, and recidivism, and report to the Legislature every other year starting July 1, 2015. The pilot program expires July 1, 2019.

A police officer may take an arrested juvenile who the officer has reasonable cause to believe committed a misdemeanor or gross misdemeanor offense which is not serious and who is known to suffer from a chemical dependency disorder to a treatment facility instead of a juvenile detention facility pursuant to an agreement between law enforcement and the local prosecuting attorney. If detained to a treatment facility, the juvenile may be held for up to 12 hours and must be examined by a mental health professional within three hours of arrival, and may also be examined by a chemical dependency professional if one is available.

If the assessment of a juvenile accused of an offense reveals chemical dependency needs, the juvenile is eligible for up to 30 hours of counseling pursuant to a diversion agreement.

EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (Recommended Amendments): The authority of police officers to detain certain arrested adults to a chemical dependency treatment alternative is restricted to a pilot program in Snohomish County for the purpose of studying the effect of chemical dependency diversions. The police officer must submit a written report to the prosecuting attorney within 10 days of the arrest. Snohomish County must evaluate the effects of the pilot program and submit a report to the Legislature every other year starting July 1, 2015. The pilot program expires July 1, 2019.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Second Substitute House Bill: PRO: All our communities have problems concerning individuals with chemical dependency. Taking a person to treatment instead of jail or an emergency room is more effective and meets the needs of the person in a less costly way. This bill is discretionary – we are not mandating any community to change its procedures, just giving the counties license to do so. Please consider not amending this bill to turn it into a pilot program; since it is discretionary, make the discretion available to all counties. This is a top priority bill for Snohomish County. Since this bill is permissive, only those counties which choose to implement it will experience a fiscal impact, with no impact to the state. The bill will save jail costs while shifting some costs to treatment. We prefer the House version which gives the option to all local governments. We should keep the low level offenders out of the court system.

Persons Testifying: PRO: Representative Roberts, prime sponsor; Briahna Taylor, Snohomish County; Seth Dawson, National Alliance on Mental Illness, NAMI WA; Rowland Thompson, Allied Daily Newspapers of WA.