
HOUSE BILL 1963

State of Washington 63rd Legislature 2013 Regular Session

By Representatives Klippert, Goodman, Hayes, and Roberts

Read first time 02/25/13. Referred to Committee on Judiciary.

1 AN ACT Relating to standards for detention of persons with mental
2 disorders or chemical dependency; amending RCW 70.96B.045 and
3 71.05.050; and reenacting and amending RCW 71.05.153.

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

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

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

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

18 (b) Chemical dependency, presents (~~(an imminent)~~) a substantial
19 likelihood of serious harm, or is in (~~(imminent)~~) a substantial

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

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

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

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

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

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

1 further held in custody or transported to an evaluation treatment
2 center pursuant to the conditions in this chapter, but which time shall
3 be no more than six hours from the time the professional staff
4 determines that an evaluation by the ((county)) designated mental
5 health professional is necessary.

6 **Sec. 3.** RCW 71.05.153 and 2011 c 305 s 8 and 2011 c 148 s 2 are
7 each reenacted and amended to read as follows:

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

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

23 (a) Pursuant to subsection (1) of this section; or

24 (b) When he or she has reasonable cause to believe that such person
25 is suffering from a mental disorder and presents ((an imminent)) a
26 substantial likelihood of serious harm or is in ((imminent)) a
27 substantial likelihood of danger because of being gravely disabled.

28 (3) Persons delivered to a crisis stabilization unit, evaluation
29 and treatment facility, emergency department of a local hospital, or
30 triage facility that has elected to operate as an involuntary facility
31 by peace officers pursuant to subsection (2) of this section may be
32 held by the facility for a period of up to twelve hours.

33 (4) Within three hours of arrival, the person must be examined by
34 a mental health professional. Within twelve hours of arrival, the
35 designated mental health professional must determine whether the
36 individual meets detention criteria. If the individual is detained,
37 the designated mental health professional shall file a petition for

1 detention or a supplemental petition as appropriate and commence
2 service on the designated attorney for the detained person. If the
3 individual is released to the community, the mental health provider
4 shall inform the peace officer of the release within a reasonable
5 period of time after the release if the peace officer has specifically
6 requested notification and provided contact information to the
7 provider.

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