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## Judiciary Committee

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### HB 1448

**Title:** An act relating to procedures for responding to reports of threatened or attempted suicide.

**Brief Description:** Providing procedures for responding to reports of threatened or attempted suicide.

**Sponsors:** Representatives Riccelli, Holy, Parker, Ormsby, Caldier, Hayes, Jinkins, Walkinshaw, Gregerson, Appleton, Ryu, McBride and Shea.

#### Brief Summary of Bill

- Creates a process allowing a law enforcement officer, through notation in an incident report, to prompt a mental health evaluation of a person who has threatened or attempted suicide.
- Requires law enforcement agencies, with the assistance of the Washington Association of Sheriffs and Police Chiefs, to develop a system for officers to document the need for a mental health evaluation by January 1, 2016.

**Hearing Date:** 1/28/15

**Staff:** Omeara Harrington (786-7136).

#### **Background:**

##### Standards for Involuntary Mental Health Treatment.

A person may be committed for involuntary mental health treatment under the Involuntary Treatment Act (ITA) if the person, due to a mental disorder, poses a likelihood of serious harm or is gravely disabled and will not voluntarily accept appropriate treatment. Among other circumstances, a person poses a likelihood of serious harm is if there is a substantial risk that the person will inflict physical harm upon himself or herself as evidenced by threats or attempts to commit suicide.

##### Initial Detention under the ITA.

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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.*

Designated mental health professionals (DMHPs) are responsible for investigating whether or not a person should be detained for an evaluation for involuntary mental health treatment under the ITA. When a DMHP receives information alleging that a person presents a likelihood of serious harm or is gravely disabled due to a mental disorder, the DMHP must assess the credibility of the information received and attempt to interview the person. If satisfied the allegations are true and that the person will not voluntarily accept treatment, the DMHP may petition the court for an initial detention order authorizing up to 72 hours for evaluation and treatment. A court order to detain a person for a 72 hour period may be issued upon the DMHP's request when the court is satisfied that there is probable cause to support the petition.

A person may be detained by a DMHP for up to 72 hours without a court order under emergency circumstances when the likelihood of serious harm or danger due to grave disability is imminent. "Imminence" for the purposes of the ITA means that the danger of harm is likely to occur at any moment, or is near at hand, rather than distant or remote.

*Emergent Detention by Law Enforcement.*

The ITA also grants law enforcement officers the power to temporarily detain persons under emergent conditions. A law enforcement officer with reasonable cause to believe a person poses an imminent likelihood of serious harm or is in imminent danger due to grave disability may take the person into custody and immediately deliver the person to an emergency room or other facility listed in statute. A facility may hold a person taken into custody by law enforcement for up to 12 hours. A mental health professional must examine the person within 3 hours of arrival, and a DMHP must determine within 12 hours whether the individual meets detention criteria.

**Summary of Bill:**

"Sheena's Law" is enacted.

If an officer responds to a situation in which a person has threatened or attempted suicide, and the officer does not take the person into custody, the officer may note in the incident report that the person is in need of a mental health evaluation. If such a notation is made, the incident report must be forwarded to a local DMHP agency within 12 hours. As soon as possible, but no later than 12 hours from receiving the report, a DMHP must attempt to contact the person who is the subject of the report to assess whether the person meets the criteria for an initial detention under the ITA. The DMHP agency is required to maintain documentation of the attempt to contact and assess the person.

By January 1, 2016, law enforcement agencies must have a system in place for officers to document the need for mental health evaluation in an incident report. The Washington Association of Sheriffs and Police Chiefs must assist local jurisdictions in fulfilling this requirement.

**Appropriation:** None.

**Fiscal Note:** Requested on January 22, 2015.

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