
SECOND SUBSTITUTE HOUSE BILL 1448

State of Washington

64th Legislature

2016 Regular Session

By House Judiciary (originally sponsored by Representatives Riccelli, Holy, Parker, Ormsby, Caldier, Hayes, Jinkins, Walkinshaw, Gregerson, Appleton, Ryu, McBride, and Shea)

READ FIRST TIME 01/28/16.

1 AN ACT Relating to procedures for responding to reports of
2 threatened or attempted suicide; amending RCW 71.05.120; adding a new
3 section to chapter 71.05 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that law enforcement
6 officers may respond to situations in which an individual has
7 threatened harm to himself or herself, but that individual does not
8 meet the criteria to be taken into custody for an evaluation under
9 the involuntary treatment act. In these situations, officers are
10 encouraged to facilitate contact between the individual and a mental
11 health professional in order to protect the individual and the
12 community. While the legislature acknowledges that some law
13 enforcement officers receive mental health training, law enforcement
14 officers are not mental health professionals. It is the intent of the
15 legislature that mental health incidents are addressed by mental
16 health professionals.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 71.05
18 RCW to read as follows:

19 (1) A peace officer responding to a report of threatened or
20 attempted suicide must notify a designated mental health professional

1 agency that the person who is the subject of the report may be in
2 need of a mental health evaluation if:

3 (a) The officer does not take the person into custody; and

4 (b) The officer knows, based on the information available to him
5 or her, that the person has been the subject of a previous report of
6 threatened or attempted suicide within the last twelve months.

7 (2) The officer may provide the notice required under subsection
8 (1) of this section either through notation in an incident report
9 that is forwarded to the designated mental health professional agency
10 or through other means. Notice must be provided as soon as possible,
11 but no later than seventy-two hours from the entry of the incident
12 report, excluding Saturdays, Sundays, and holidays.

13 (3) As soon as possible, but no later than twenty-four hours from
14 receiving the incident report or other notice under this section,
15 excluding Saturdays, Sundays, and holidays, a mental health
16 professional contacted by the designated mental health professional
17 agency must attempt to contact the person who is the subject of the
18 report to determine whether additional mental health intervention is
19 necessary including, if needed, an assessment by a designated mental
20 health professional for initial detention under RCW 71.05.150 or
21 71.05.153. Documentation of the mental health professional's attempt
22 to contact and assess the person must be maintained by the designated
23 mental health professional agency.

24 (4) By January 1, 2017, law enforcement agencies must have a
25 system in place for officers to document, as part of an incident
26 report, the need for a mental health evaluation of a person who is
27 the subject of a report of threatened or attempted suicide.

28 **Sec. 3.** RCW 71.05.120 and 2000 c 94 s 4 are each amended to read
29 as follows:

30 (1) No officer of a public or private agency, nor the
31 superintendent, professional person in charge, his or her
32 professional designee, or attending staff of any such agency, nor any
33 public official performing functions necessary to the administration
34 of this chapter, nor peace officer responsible for detaining a person
35 pursuant to this chapter, nor any ((county)) designated mental health
36 professional, nor the state, a unit of local government, or an
37 evaluation and treatment facility shall be civilly or criminally
38 liable for performing duties pursuant to this chapter with regard to
39 the decision of whether to admit, discharge, release, administer

1 antipsychotic medications, or detain a person for evaluation and
2 treatment: PROVIDED, That such duties were performed in good faith
3 and without gross negligence.

4 (2) Peace officers and their employing agencies are not liable
5 for providing or not providing notification under section 2 of this
6 act if such action or inaction is taken in good faith and without
7 gross negligence.

8 (3) This section does not relieve a person from giving the
9 required notices under RCW 71.05.330(2) or 71.05.340(1)(b), or the
10 duty to warn or to take reasonable precautions to provide protection
11 from violent behavior where the patient has communicated an actual
12 threat of physical violence against a reasonably identifiable victim
13 or victims. The duty to warn or to take reasonable precautions to
14 provide protection from violent behavior is discharged if reasonable
15 efforts are made to communicate the threat to the victim or victims
16 and to law enforcement personnel.

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