
HOUSE BILL 2794

State of Washington

64th Legislature

2016 Regular Session

By Representative Orwall

Read first time 01/20/16. Referred to Committee on Judiciary.

1 AN ACT Relating to initial detention determinations by designated
2 mental health professionals; and amending RCW 71.05.153.

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

4 **Sec. 1.** RCW 71.05.153 and 2015 c 269 s 6 are each amended to
5 read as follows:

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

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

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

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

5 (3) Persons delivered to a crisis stabilization unit, evaluation
6 and treatment facility, emergency department of a local hospital, or
7 triage facility that has elected to operate as an involuntary
8 facility by peace officers pursuant to subsection (2) of this section
9 may be held by the facility for a period of up to twelve hours, not
10 counting time periods prior to medical clearance.

11 (4) Within three hours after arrival, not counting time periods
12 prior to medical clearance, the person must be examined by a mental
13 health professional. Within twelve hours of notice of the need for
14 evaluation, not counting time periods prior to medical clearance, the
15 designated mental health professional must determine whether the
16 individual meets detention criteria. If the individual is detained,
17 the designated mental health professional shall file a petition for
18 detention or a supplemental petition as appropriate and commence
19 service on the designated attorney for the detained person. If the
20 individual is released to the community, the mental health provider
21 shall inform the peace officer of the release within a reasonable
22 period of time after the release if the peace officer has
23 specifically requested notification and provided contact information
24 to the provider.

25 (5)(a) In every case in which a person is taken into custody by a
26 peace officer under subsection (2)(b) of this section and the
27 following criteria apply, a designated mental health professional
28 must conduct an evaluation and make an initial detention
29 determination:

30 (i) The person was taken into custody based on the peace
31 officer's belief that the person presents an imminent likelihood of
32 serious harm; and

33 (ii) In the course of taking the person into custody the peace
34 officer removed a firearm or other potentially lethal means from the
35 person that the officer believes the person intended to use for self-
36 harm or harm of others.

37 (b) The officer must notify the facility to which the person is
38 delivered when the circumstances in (a) of this subsection apply.
39 Upon receiving notice, the facility must notify a designated mental
40 health professional of the need for an evaluation and hold the person

1 for the allowable time periods outlined in this section in order to
2 facilitate the evaluation.

3 (6) Dismissal of a commitment petition is not the appropriate
4 remedy for a violation of the timeliness requirements of this section
5 based on the intent of this chapter under RCW 71.05.010 except in the
6 few cases where the facility staff or designated mental health
7 professional has totally disregarded the requirements of this
8 section.

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