

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE HOUSE BILL 1448

64th Legislature
2016 Regular Session

Passed by the House March 8, 2016
Yeas 94 Nays 2

Speaker of the House of Representatives

Passed by the Senate March 2, 2016
Yeas 48 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 1448** as passed by House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SECOND SUBSTITUTE HOUSE BILL 1448

AS AMENDED BY THE SENATE

Passed Legislature - 2016 Regular Session

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 new
3 sections to chapter 71.05 RCW; and creating new sections.

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 When funded, the Washington association of sheriffs and police
20 chiefs, in consultation with the criminal justice training

1 commission, must develop and adopt a model policy for use by law
2 enforcement agencies relating to a law enforcement officer's referral
3 of a person to a mental health agency after receiving a report of
4 threatened or attempted suicide. The model policy must complement the
5 criminal justice training commission's crisis intervention training
6 curriculum.

7 NEW SECTION. **Sec. 3.** A new section is added to chapter 71.05
8 RCW to read as follows:

9 By July 1, 2017, all general authority Washington law enforcement
10 agencies must adopt a policy establishing criteria and procedures for
11 a law enforcement officer to refer a person to a mental health agency
12 after receiving a report of threatened or attempted suicide.

13 **Sec. 4.** RCW 71.05.120 and 2000 c 94 s 4 are each amended to read
14 as follows:

15 (1) No officer of a public or private agency, nor the
16 superintendent, professional person in charge, his or her
17 professional designee, or attending staff of any such agency, nor any
18 public official performing functions necessary to the administration
19 of this chapter, nor peace officer responsible for detaining a person
20 pursuant to this chapter, nor any county designated mental health
21 professional, nor the state, a unit of local government, or an
22 evaluation and treatment facility shall be civilly or criminally
23 liable for performing duties pursuant to this chapter with regard to
24 the decision of whether to admit, discharge, release, administer
25 antipsychotic medications, or detain a person for evaluation and
26 treatment: PROVIDED, That such duties were performed in good faith
27 and without gross negligence.

28 (2) Peace officers and their employing agencies are not liable
29 for the referral of a person, or the failure to refer a person, to a
30 mental health agency pursuant to a policy adopted pursuant to section
31 3 of this act if such action or inaction is taken in good faith and
32 without gross negligence.

33 (3) This section does not relieve a person from giving the
34 required notices under RCW 71.05.330(2) or 71.05.340(1)(b), or the
35 duty to warn or to take reasonable precautions to provide protection
36 from violent behavior where the patient has communicated an actual
37 threat of physical violence against a reasonably identifiable victim
38 or victims. The duty to warn or to take reasonable precautions to

1 provide protection from violent behavior is discharged if reasonable
2 efforts are made to communicate the threat to the victim or victims
3 and to law enforcement personnel.

4 NEW SECTION. **Sec. 5.** A new section is added to chapter 71.05
5 RCW to read as follows:

6 As soon as possible, but no later than twenty-four hours from
7 receiving a referral from a law enforcement officer or law
8 enforcement agency, excluding Saturdays, Sundays, and holidays, a
9 mental health professional contacted by the designated mental health
10 professional agency must attempt to contact the referred person to
11 determine whether additional mental health intervention is necessary
12 including, if needed, an assessment by a designated mental health
13 professional for initial detention under RCW 71.05.150 or 71.05.153.
14 Documentation of the mental health professional's attempt to contact
15 and assess the person must be maintained by the designated mental
16 health professional agency.

17 NEW SECTION. **Sec. 6.** If specific funding for the purposes of
18 this act, referencing this act by bill or chapter number, is not
19 provided by June 30, 2016, in the omnibus appropriations act, this
20 act is null and void.

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