
SUBSTITUTE HOUSE BILL 1314

State of Washington

67th Legislature

2021 Regular Session

By House Civil Rights & Judiciary (originally sponsored by Representatives Young, Lovick, Dufault, Hackney, Bateman, Rule, Lekanoff, Pollet, and Callan)

READ FIRST TIME 02/15/21.

1 AN ACT Relating to veteran diversion from involuntary commitment;
2 reenacting and amending RCW 71.05.153 and 71.05.153; providing an
3 effective date; and providing an expiration date.

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

5 **Sec. 1.** RCW 71.05.153 and 2020 c 302 s 16 and 2020 c 5 s 4 are
6 each reenacted and amended to read as follows:

7 (1) When a designated crisis responder receives information
8 alleging that a person, as the result of a behavioral health
9 disorder, presents an imminent likelihood of serious harm, or is in
10 imminent danger because of being gravely disabled, after
11 investigation and evaluation of the specific facts alleged and of the
12 reliability and credibility of the person or persons providing the
13 information if any, the designated crisis responder may take such
14 person, or cause by oral or written order such person to be taken
15 into emergency custody in an evaluation and treatment facility,
16 secure withdrawal management and stabilization facility if available
17 with adequate space for the person, or approved substance use
18 disorder treatment program if available with adequate space for the
19 person, for not more than one hundred twenty hours as described in
20 RCW 71.05.180.

1 (2) (a) Subject to (b) of this subsection, a peace officer may
2 take or cause such person to be taken into custody and immediately
3 delivered to a triage facility, crisis stabilization unit, evaluation
4 and treatment facility, secure withdrawal management and
5 stabilization facility, approved substance use disorder treatment
6 program, or the emergency department of a local hospital under the
7 following circumstances:

8 (i) Pursuant to subsection (1) of this section; or

9 (ii) When he or she has reasonable cause to believe that such
10 person is suffering from a behavioral health disorder and presents an
11 imminent likelihood of serious harm or is in imminent danger because
12 of being gravely disabled.

13 (b) A peace officer's delivery of a person, to a secure
14 withdrawal management and stabilization facility or approved
15 substance use disorder treatment program is subject to the
16 availability of a secure withdrawal management and stabilization
17 facility or approved substance use disorder treatment program with
18 adequate space for the person.

19 (3) Persons delivered to a crisis stabilization unit, evaluation
20 and treatment facility, emergency department of a local hospital,
21 triage facility that has elected to operate as an involuntary
22 facility, secure withdrawal management and stabilization facility, or
23 approved substance use disorder treatment program by peace officers
24 pursuant to subsection (2) of this section may be held by the
25 facility for a period of up to twelve hours, not counting time
26 periods prior to medical clearance.

27 (4) Within three hours after arrival, not counting time periods
28 prior to medical clearance, the person must be examined by a mental
29 health professional or substance use disorder professional. Within
30 twelve hours of notice of the need for evaluation, not counting time
31 periods prior to medical clearance, the designated crisis responder
32 must determine whether the individual meets detention criteria. In
33 conjunction with this evaluation, the facility where the patient is
34 located must inquire as to a person's veteran status or eligibility
35 for veterans benefits and, if the person appears to be potentially
36 eligible for these benefits, inquire whether the person would be
37 amenable to treatment by the veterans health administration compared
38 to other relevant treatment options. This information must be shared
39 with the designated crisis responder. If the person has been
40 identified as being potentially eligible for veterans health

1 administration services and as being amenable for those services, and
2 if appropriate in light of all reasonably available information about
3 the person's circumstances, the designated crisis responder must
4 first refer the person to the veterans health administration for
5 mental health or substance use disorder treatment at a facility
6 capable of meeting the needs of the person including, but not limited
7 to, the involuntary treatment options available at the Seattle
8 division of the VA Puget Sound health care system. If the person is
9 accepted for treatment by the veterans health administration, and is
10 willing to accept treatment by the veterans health administration as
11 an alternative to other available treatment options, the designated
12 crisis responder, the veterans health administration, and the
13 facility where the patient is located will work to make arrangements
14 to have the person transported to a veterans health administration
15 facility. The interview performed by the designated crisis responder
16 may be conducted by video provided that a licensed health care
17 professional or professional person who can adequately and accurately
18 assist with obtaining any necessary information is present with the
19 person at the time of the interview. If the individual is detained,
20 the designated crisis responder shall file a petition for detention
21 or a supplemental petition as appropriate and commence service on the
22 designated attorney for the detained person. If the individual is
23 released to the community, the behavioral health service provider
24 shall inform the peace officer of the release within a reasonable
25 period of time after the release if the peace officer has
26 specifically requested notification and provided contact information
27 to the provider.

28 (5) Dismissal of a commitment petition is not the appropriate
29 remedy for a violation of the timeliness requirements of this section
30 based on the intent of this chapter under RCW 71.05.010 except in the
31 few cases where the facility staff or designated crisis responder has
32 totally disregarded the requirements of this section.

33 **Sec. 2.** RCW 71.05.153 and 2020 c 302 s 17 and 2020 c 5 s 5 are
34 each reenacted and amended to read as follows:

35 (1) When a designated crisis responder receives information
36 alleging that a person, as the result of a behavioral health
37 disorder, presents an imminent likelihood of serious harm, or is in
38 imminent danger because of being gravely disabled, after
39 investigation and evaluation of the specific facts alleged and of the

1 reliability and credibility of the person or persons providing the
2 information if any, the designated crisis responder may take such
3 person, or cause by oral or written order such person to be taken
4 into emergency custody in an evaluation and treatment facility,
5 secure withdrawal management and stabilization facility, or approved
6 substance use disorder treatment program, for not more than one
7 hundred twenty hours as described in RCW 71.05.180.

8 (2) A peace officer may take or cause such person to be taken
9 into custody and immediately delivered to a triage facility, crisis
10 stabilization unit, evaluation and treatment facility, secure
11 withdrawal management and stabilization facility, approved substance
12 use disorder treatment program, or the emergency department of a
13 local hospital under the following circumstances:

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

15 (b) When he or she has reasonable cause to believe that such
16 person is suffering from a behavioral health disorder and presents an
17 imminent likelihood of serious harm or is in imminent danger because
18 of being gravely disabled.

19 (3) Persons delivered to a crisis stabilization unit, evaluation
20 and treatment facility, emergency department of a local hospital,
21 triage facility that has elected to operate as an involuntary
22 facility, secure withdrawal management and stabilization facility, or
23 approved substance use disorder treatment program by peace officers
24 pursuant to subsection (2) of this section may be held by the
25 facility for a period of up to twelve hours, not counting time
26 periods prior to medical clearance.

27 (4) Within three hours after arrival, not counting time periods
28 prior to medical clearance, the person must be examined by a mental
29 health professional or substance use disorder professional. Within
30 twelve hours of notice of the need for evaluation, not counting time
31 periods prior to medical clearance, the designated crisis responder
32 must determine whether the individual meets detention criteria. In
33 conjunction with this evaluation, the facility where the patient is
34 located must inquire as to a person's veteran status or eligibility
35 for veterans benefits and, if the person appears to be potentially
36 eligible for these benefits, inquire whether the person would be
37 amenable to treatment by the veterans health administration compared
38 to other relevant treatment options. This information must be shared
39 with the designated crisis responder. If the person has been
40 identified as being potentially eligible for veterans health

1 administration services and as being amenable for those services, and
2 if appropriate in light of all reasonably available information about
3 the person's circumstances, the designated crisis responder must
4 first refer the person to the veterans health administration for
5 mental health or substance use disorder treatment at a facility
6 capable of meeting the needs of the person including, but not limited
7 to, the involuntary treatment options available at the Seattle
8 division of the VA Puget Sound health care system. If the person is
9 accepted for treatment by the veterans health administration, and is
10 willing to accept treatment by the veterans health administration as
11 an alternative to other available treatment options, the designated
12 crisis responder, the veterans health administration, and the
13 facility where the patient is located will work to make arrangements
14 to have the person transported to a veterans health administration
15 facility. The interview performed by the designated crisis responder
16 may be conducted by video provided that a licensed health care
17 professional or professional person who can adequately and accurately
18 assist with obtaining any necessary information is present with the
19 person at the time of the interview. If the individual is detained,
20 the designated crisis responder shall file a petition for detention
21 or a supplemental petition as appropriate and commence service on the
22 designated attorney for the detained person. If the individual is
23 released to the community, the behavioral health service provider
24 shall inform the peace officer of the release within a reasonable
25 period of time after the release if the peace officer has
26 specifically requested notification and provided contact information
27 to the provider.

28 (5) Dismissal of a commitment petition is not the appropriate
29 remedy for a violation of the timeliness requirements of this section
30 based on the intent of this chapter under RCW 71.05.010 except in the
31 few cases where the facility staff or designated crisis responder has
32 totally disregarded the requirements of this section.

33 NEW SECTION. **Sec. 3.** Section 1 of this act expires July 1,
34 2026.

35 NEW SECTION. **Sec. 4.** Section 2 of this act takes effect July 1,
36 2026.

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