
ENGROSSED SENATE BILL 6018

State of Washington

60th Legislature

2007 Regular Session

By Senator Brandland

Read first time 02/14/2007. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to detention of persons with a mental disorder or
2 a chemical dependency; amending RCW 70.96B.050; adding a new section to
3 chapter 70.96B RCW; providing an expiration date; and declaring an
4 emergency.

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

6 **Sec. 1.** RCW 70.96B.050 and 2005 c 504 s 206 are each amended to
7 read as follows:

8 (1)((~~a~~)) When a designated crisis responder receives information
9 alleging that a person, as a result of a mental disorder, chemical
10 dependency disorder, or both, presents a likelihood of serious harm or
11 is gravely disabled, the designated crisis responder may, after
12 investigation and evaluation of the specific facts alleged and of the
13 reliability and credibility of any person providing information to
14 initiate detention, if satisfied that the allegations are true and that
15 the person will not voluntarily seek appropriate treatment, file a
16 petition for initial detention. Before filing the petition, the
17 designated crisis responder must personally interview the person,
18 unless the person refuses an interview, and determine whether the

1 person will voluntarily receive appropriate evaluation and treatment at
2 either an evaluation and treatment facility, a detoxification facility,
3 or other certified chemical dependency provider.

4 ~~((b)(i)(A) Whenever it appears, by petition for initial detention,
5 to the satisfaction of a judge of the superior court that a person
6 presents as a result of a mental disorder, a likelihood of serious
7 harm, or is gravely disabled, and that the person has refused or failed
8 to accept appropriate evaluation and treatment voluntarily, the judge
9 may issue an order requiring the person to appear within twenty-four
10 hours after service of the order at a designated evaluation and
11 treatment facility for not more than a seventy-two hour evaluation and
12 treatment period; or~~

13 ~~(B) Whenever it appears, by petition for initial detention, to the
14 satisfaction of a judge of the superior court, district court, or other
15 court permitted by court rule, that a person presents as a result of a
16 chemical dependency, a likelihood of serious harm, or is gravely
17 disabled, and that the person has refused or failed to accept
18 appropriate evaluation and treatment voluntarily, the judge may issue
19 an order requiring the person to appear within twenty-four hours after
20 service of the order at a secure detoxification facility or other
21 certified chemical dependency provider for not more than a seventy-two
22 hour evaluation and treatment period.~~

23 ~~(ii) The order issued under this subsection (1)(b) shall state the
24 address of the evaluation and treatment facility, secure detoxification
25 facility, or other certified chemical dependency provider to which the
26 person is to report; whether the required seventy-two hour evaluation
27 and treatment services may be delivered on an outpatient or inpatient
28 basis; and that if the person named in the order fails to appear at the
29 evaluation and treatment facility, secure detoxification facility, or
30 other certified chemical dependency provider at or before the date and
31 time stated in the order, the person may be involuntarily taken into
32 custody for evaluation and treatment. The order shall also designate
33 retained counsel or, if counsel is appointed from a list provided by
34 the court, the name, business address, and telephone number of the
35 attorney appointed to represent the person.~~

36 ~~(c)) (2)(a) An order to detain to an evaluation and treatment
37 facility, a detoxification facility, or other certified chemical
38 dependency provider for not more than a seventy-two hour evaluation and~~

1 treatment period may be issued by a judge upon request of a designated
2 crisis responder: (i) Whenever it appears to the satisfaction of a
3 judge of the superior court, district court, or other court permitted
4 by court rule, that there is probable cause to support the petition,
5 and (ii) that the person has refused or failed to accept appropriate
6 evaluation and treatment voluntarily.

7 (b) The petition for initial detention, signed under penalty of
8 perjury or sworn telephonic testimony, may be considered by the court
9 in determining whether there are sufficient grounds for issuing the
10 order.

11 (c) The order shall designate retained counsel or, if counsel is
12 appointed from a list provided by the court, the name, business
13 address, and telephone number of the attorney appointed to represent
14 the person.

15 (3) The designated crisis responder shall then serve or cause to be
16 served on such person, his or her guardian, and conservator, if any, a
17 copy of the order to appear, together with a notice of rights and a
18 petition for initial detention. After service on the person, the
19 designated crisis responder shall file the return of service in court
20 and provide copies of all papers in the court file to the evaluation
21 and treatment facility or secure detoxification facility and the
22 designated attorney. The designated crisis responder shall notify the
23 court and the prosecuting attorney that a probable cause hearing will
24 be held within seventy-two hours of the date and time of outpatient
25 evaluation or admission to the evaluation and treatment facility,
26 secure detoxification facility, or other certified chemical dependency
27 provider. The person (~~shall be permitted to remain in his or her home~~
28 ~~or other place of his or her choosing before the time of evaluation and~~
29 ~~shall be permitted to~~) may be accompanied by one or more of his or her
30 relatives, friends, an attorney, a personal physician, or other
31 professional or religious advisor to the place of evaluation. An
32 attorney accompanying the person to the place of evaluation shall be
33 permitted to be present during the admission evaluation. Any other
34 person accompanying the person may be present during the admission
35 evaluation. The facility may exclude the person if his or her presence
36 would present a safety risk, delay the proceedings, or otherwise
37 interfere with the evaluation.

1 ~~((d) If the person ordered to appear does appear on or before the~~
2 ~~date and time specified, the evaluation and treatment facility, secure~~
3 ~~detoxification facility, or other certified chemical dependency~~
4 ~~provider may admit the person as required by subsection (3) of this~~
5 ~~section or may provide treatment on an outpatient basis. If the person~~
6 ~~ordered to appear fails to appear on or before the date and time~~
7 ~~specified, the evaluation and treatment facility, secure detoxification~~
8 ~~facility, or other certified chemical dependency provider shall~~
9 ~~immediately notify))~~

10 (4) The designated crisis responder (~~who~~) may notify a peace
11 officer to take the person or cause the person to be taken into custody
12 and placed in an evaluation and treatment facility, a secure
13 detoxification facility, or other certified chemical dependency
14 provider. ~~((Should the designated crisis responder notify a peace~~
15 ~~officer authorizing the officer to take a person into custody under~~
16 ~~this subsection, the designated crisis responder shall file with the~~
17 ~~court a copy of the authorization and a notice of detention.))~~ At the
18 time the person is taken into custody there shall commence to be served
19 on the person, his or her guardian, and conservator, if any, a copy of
20 the original order together with a notice of detention, a notice of
21 rights, and a petition for initial detention.

22 ~~((2) If a designated crisis responder receives information~~
23 ~~alleging that a person, as the result of:~~

24 ~~(a) A mental disorder, presents an imminent likelihood of serious~~
25 ~~harm, or is in imminent danger because of being gravely disabled, after~~
26 ~~investigation and evaluation of the specific facts alleged and of the~~
27 ~~reliability and credibility of the person or persons providing the~~
28 ~~information if any, the designated crisis responder may take the~~
29 ~~person, or cause by oral or written order the person to be taken into~~
30 ~~emergency custody in an evaluation and treatment facility for not more~~
31 ~~than seventy two hours as described in this chapter; or~~

32 ~~(b) Chemical dependency, presents an imminent likelihood of serious~~
33 ~~harm, or is in imminent danger because of being gravely disabled, after~~
34 ~~investigation and evaluation of the specific facts alleged and of the~~
35 ~~reliability and credibility of the person or persons providing the~~
36 ~~information if any, the designated crisis responder may take the~~
37 ~~person, or cause by oral or written order the person to be taken into~~

1 ~~emergency custody in a secure detoxification facility for not more than~~
2 ~~seventy two hours as described in this chapter.~~

3 ~~(3) If the designated crisis responder petitions for detention of~~
4 ~~a person whose actions constitute a likelihood of serious harm, or who~~
5 ~~is gravely disabled, the evaluation and treatment facility, the secure~~
6 ~~detoxification facility, or other certified chemical dependency~~
7 ~~provider providing seventy two hour evaluation and treatment must~~
8 ~~immediately accept on a provisional basis the petition and the person.~~
9 ~~The evaluation and treatment facility, the secure detoxification~~
10 ~~facility, or other certified chemical dependency provider shall then~~
11 ~~evaluate the person's condition and admit, detain, transfer, or~~
12 ~~discharge such person in accordance with this chapter. The facility~~
13 ~~shall notify in writing the court and the designated crisis responder~~
14 ~~of the date and time of the initial detention of each person~~
15 ~~involuntarily detained so that a probable cause hearing will be held no~~
16 ~~later than seventy two hours after detention.~~

17 ~~(4) A peace officer may, without prior notice of the proceedings~~
18 ~~provided for in subsection (1) of this section, take or cause the~~
19 ~~person to be taken into custody and immediately delivered to an~~
20 ~~evaluation and treatment facility, secure detoxification facility,~~
21 ~~other certified chemical dependency treatment provider only pursuant to~~
22 ~~subsections (1)(d) and (2) of this section.~~

23 ~~(5) Nothing in this chapter limits the power of a peace officer to~~
24 ~~take a person into custody and immediately deliver the person to the~~
25 ~~emergency department of a local hospital or to a detoxification~~
26 ~~facility.))~~

27 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.96B RCW
28 to read as follows:

29 (1) If a designated crisis responder receives information alleging
30 that a person, as the result of:

31 (a) A mental disorder, presents an imminent likelihood of serious
32 harm, or is in imminent danger because of being gravely disabled, after
33 investigation and evaluation of the specific facts alleged and of the
34 reliability and credibility of the person or persons providing the
35 information if any, the designated crisis responder may take the
36 person, or cause by oral or written order the person to be taken into

1 emergency custody in an evaluation and treatment facility for not more
2 than seventy-two hours as described in this chapter; or

3 (b) Chemical dependency, presents an imminent likelihood of serious
4 harm, or is in imminent danger because of being gravely disabled, after
5 investigation and evaluation of the specific facts alleged and of the
6 reliability and credibility of the person or persons providing the
7 information if any, the designated crisis responder may take the
8 person, or cause by oral or written order the person to be taken into
9 emergency custody in a secure detoxification facility for not more than
10 seventy-two hours as described in this chapter.

11 (2) The evaluation and treatment facility, the secure
12 detoxification facility, or other certified chemical dependency
13 provider shall then evaluate the person's condition and admit, detain,
14 transfer, or discharge such person in accordance with this chapter.
15 The facility shall notify in writing the court and the designated
16 crisis responder of the date and time of the initial detention of each
17 person involuntarily detained so that a probable cause hearing will be
18 held no later than seventy-two hours after detention.

19 (3) A peace officer may take or cause the person to be taken into
20 custody and immediately delivered to an evaluation and treatment
21 facility, secure detoxification facility, or other certified chemical
22 dependency treatment provider: (a) Pursuant to this section; or (b)
23 when he or she has reasonable cause to believe that such person, as a
24 result of a mental disorder or chemical dependency, presents an
25 imminent likelihood of serious harm, or is in imminent danger because
26 of being gravely disabled. An individual brought to a facility by a
27 peace officer may be held for up to twelve hours: PROVIDED, That the
28 individual is examined by a designated crisis responder within three
29 hours of arrival. Within twelve hours of arrival the designated crisis
30 responder must determine whether the individual meets detention
31 criteria. If the individual is detained, the designated mental health
32 professional shall file a petition for detention or supplemental
33 petition as appropriate and commence service on the designated attorney
34 for the detained person.

35 (4) Nothing in this chapter limits the power of a peace officer to
36 take a person into custody and immediately deliver the person to the
37 emergency department of a local hospital or to a detoxification
38 facility.

1 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of the
3 state government and its existing public institutions, and takes effect
4 immediately.

5 NEW SECTION. **Sec. 4.** Sections 1 and 2 of this act expire July 1,
6 2008.

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