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**SUBSTITUTE HOUSE BILL 1826**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** House Civil Rights & Judiciary (originally sponsored by Representatives Leavitt, Kilduff, and Morgan)

AN ACT Relating to the disclosure of certain information during the discharge planning process; amending RCW 71.05.365; adding a new section to chapter 71.05 RCW; and prescribing penalties.

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

**Sec.**  RCW 71.05.365 and 2016 sp.s. c 37 s 15 are each amended to read as follows:

(1) When a person has been involuntarily committed for treatment to a hospital for a period of ninety or one hundred eighty days, and the superintendent or professional person in charge of the hospital determines that the person no longer requires active psychiatric treatment at an inpatient level of care, the behavioral health organization, full integration entity under RCW 71.24.380, managed care organization, administrative services organization, or agency providing oversight of long-term care or developmental disability services that is responsible for resource management services for the person must work with the hospital to develop an individualized discharge plan and arrange for a transition to the community in accordance with the person's individualized discharge plan within fourteen days of the determination.

(2) The superintendent or professional person in charge of the hospital shall disclose to the behavioral health organization, full integration entity under RCW 71.24.380, managed care organization, administrative services organization, or agency providing oversight of long-term care or developmental disability services that is responsible for resource management services for the person, any publicly accessible forensic reports and relevant details of a person's criminal history for: (a) A person who has a history of one or more violent acts as defined in RCW 71.05.020; (b) a person committed under grounds set forth in RCW 71.05.280(3) where the charge underlying the finding of incompetence is for a felony classified as violent under RCW 9.94A.030; or (c) a person who has been convicted of a serious violent offense as defined in RCW 9.94A.030 or a sex offense as defined in RCW 9.94A.030.

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

Any information or records received by a law enforcement entity or prosecuting attorney's office under this chapter shall remain confidential and subject to the limitations on disclosure set forth in this chapter and chapter 70.02 RCW. The misuse or unauthorized disclosure of information or records by any person, law enforcement entity or prosecuting attorney's office, or other person with whom information is shared pursuant to RCW 70.02.260, shall subject the person, entity or office with which the person is associated, or both, to a civil penalty of five thousand dollars and other applicable civil remedies or sanctions under state and federal law. A suit to enforce this section shall be brought by the attorney general. All penalties recovered shall be paid into the state treasury and credited to the general fund. The attorney general may recover reasonable attorneys' fees for any action brought to enforce this section.

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