

# **HOUSE BILL ANALYSIS**

## **SSB 5562**

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**Title:** *An act relating to the involuntary commitment of mentally ill persons.*

**Brief Description:** *Revising provisions relating to the involuntary commitment of mentally ill persons.*

**Sponsors:** *Senate Committee on Human Services & Corrections (originally sponsored by Senators Long, Prentice, Wojahn and Deccio).*

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### **HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES**

**Meeting Date:** *April 3, 1997.*

**Bill Analysis Prepared by:** *Doug Ruth (786-7134).*

**Background:** *Under current law, a person may be taken into custody for an involuntary 72-hour evaluation and treatment period for a mental disorder. The person may be detained if he or she presents a likelihood of serious harm to self or others, or to the property of others, or if he or she is gravely disabled. A court must hold a probable cause hearing within the 72 hours.*

*The person's detention in a mental health facility may be extended for an additional 14 days of involuntary intensive treatment or 90 days of less restrictive treatment.*

*Upon expiration of the 14-day period, and after a full court hearing, the person may be committed for up to 90 days, or up to 180 days under certain circumstances.*

*Upon expiration of the 90 or 180-day period, a new hearing can be held for commitment of up to 180 days.*

*At each of these stages, further commitment can occur only if there is probable cause to believe that the person presents (1) a likelihood of serious harm— to himself or herself or others, or to the property of others, or (2) the person is gravely disabled. The standard for "likelihood of serious harm" has been interpreted to require evidence of recent, overt acts.*

*When a person has been in involuntary treatment and then conditionally released or placed in a less restrictive commitment, the person can be rehospitalized if the person violates the terms and conditions of the release or there is a substantial deterioration in the person's functioning.—*

***Summary of Bill:*** *The definitions in the civil commitment statute are alphabetized, gender references are changed, and references to the definition of likelihood of serious harm– are clarified.*

*For the purposes of determining whether an individual should be continued in a less restrictive alternative commitment beyond the 90-day period, a court should give great weight to evidence of repeated hospitalizations or law enforcement interventions because of the person’s mental illness.*

*Persons who are conditionally released from involuntary treatment, or are in a less restrictive alternative, can be rehospitalized for a new commitment hearing when there is evidence of "substantial decompensation– or likelihood of serious harm.– These standards are essentially the standards used for the original 14-day commitments.*

*Law enforcement officers are authorized to take a person suspected of being mentally ill to hospital emergency rooms.*

*The Joint Legislative Audit and Review Committee is directed to perform an evaluation of the effect of this bill.*

***Appropriation:*** *None.*

***Fiscal Note:*** *Available.*

***Effective Date:*** *Ninety days after adjournment of session in which bill is passed.*