
SENATE BILL 5544

State of Washington

57th Legislature

2001 Regular Session

By Senators Thibaudeau, Rasmussen, Regala, Costa and Winsley; by request of Governor Locke and Superintendent of Public Instruction

Read first time 01/25/2001. Referred to Committee on Education.

1 AN ACT Relating to detention of minors who commit felonies on
2 school facilities; adding a new section to chapter 9.61 RCW;
3 adding a new section to chapter 9A.36 RCW; and adding a new
4 section to chapter 9A.46 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.61 RCW
7 to read as follows:

8 Upon the arrest of a person at least twelve years of age and
9 not more than twenty-one years of age for violating RCW 9.61.160
10 relating to threats to bomb or injure property, on public or
11 private elementary or secondary school premises, school provided
12 transportation, or areas of facilities while being used
13 exclusively by public or private schools, the person shall be
14 detained or confined in a juvenile or adult facility for up to
15 seventy-two hours. The person shall not be released within the
16 seventy-two hours until after the person has been examined and
17 evaluated by the county-designated mental health professional

1 unless the court in its discretion releases the person sooner
2 after a determination regarding probable cause or on probation
3 bond or bail.

4 Within twenty-four hours of the arrest, the arresting law
5 enforcement agency shall refer the person to the county-designated
6 mental health professional for examination and evaluation under
7 chapter 71.05 or 71.34 RCW and inform a parent or guardian of the
8 person of the arrest, detention, and examination. The county-
9 designated mental health professional shall examine and evaluate
10 the person subject to the provisions of chapter 71.05 or 71.34 RCW
11 within twenty-four hours of receiving the referral. The examination
12 shall occur at the facility in which the person is detained or
13 confined. If the person has been released on probation, bond, or
14 bail, the examination shall occur wherever is appropriate.

15 The county-designated mental health professional may, when
16 appropriate, determine whether to refer the person to the county-
17 designated chemical dependency specialist for examination and
18 evaluation in accordance with chapter 70.96A RCW. When a referral
19 is made by the county-designated mental health professional, the
20 county-designated chemical dependency specialist shall examine the
21 person subject to the provisions of chapter 70.96A RCW within
22 twenty-four hours of receiving the referral. The examination shall
23 occur at the facility in which the person is detained or
24 confined. If the person has been released on probation, bond, or
25 bail, the examination shall occur wherever is appropriate.

26 Upon completion of any examination by the county-designated
27 mental health professional or the county-designated chemical
28 dependency specialist, the results of the examination shall be
29 sent to the court with jurisdiction and school, and the court
30 shall consider those results in making any determination about the
31 person.

32 The county-designated mental health professional and county-
33 designated chemical dependency specialist shall, to the extent
34 permitted by law, notify a parent or guardian of the person that
35 an examination and evaluation has taken place and the results of
36 the examination. Nothing in this section prohibits the delivery of
37 additional, appropriate mental health examinations to the person
38 while the person is detained or confined.

1 If the county-designated mental health professional determines
2 it is appropriate, the county-designated mental health
3 professional may refer the person to the local regional support
4 network for follow-up services or the department of social and
5 health services or other community providers for other services to
6 the family and individual.

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 9A.36
8 RCW to read as follows:

9 Upon the arrest of a person at least twelve years of age and
10 not more than twenty-one years of age for violating RCW 9A.36.011
11 relating to assault in the first degree, RCW 9A.36.021 relating to
12 assault in the second degree, RCW 9A.36.031 relating to assault in
13 the third degree, or RCW 9A.36.080 relating to malicious
14 harassment, on public or private elementary or secondary school
15 premises, school provided transportation, or areas of facilities
16 while being used exclusively by public or private schools, the
17 person shall be detained or confined in a juvenile or adult
18 facility for up to seventy-two hours. The person shall not be
19 released within the seventy-two hours until after the person has
20 been examined and evaluated by the county-designated mental health
21 professional unless the court in its discretion releases the
22 person sooner after a determination regarding probable cause or on
23 probation bond or bail.

24 Within twenty-four hours of the arrest, the arresting law
25 enforcement agency shall refer the person to the county-designated
26 mental health professional for examination and evaluation under
27 chapter 71.05 or 71.34 RCW and inform a parent or guardian of the
28 person of the arrest, detention, and examination. The county-
29 designated mental health professional shall examine and evaluate
30 the person subject to the provisions of chapter 71.05 or 71.34 RCW
31 within twenty-four hours of receiving the referral. The examination
32 shall occur at the facility in which the person is detained or
33 confined. If the person has been released on probation, bond, or
34 bail, the examination shall occur wherever is appropriate.

35 The county-designated mental health professional may, when
36 appropriate, determine whether to refer the person to the county-
37 designated chemical dependency specialist for examination and

1 evaluation in accordance with chapter 70.96A RCW. When a referral
2 is made by the county-designated mental health professional, the
3 county-designated chemical dependency specialist shall examine the
4 person subject to the provisions of chapter 70.96A RCW within
5 twenty-four hours of receiving the referral. The examination shall
6 occur at the facility in which the person is detained or
7 confined. If the person has been released on probation, bond, or
8 bail, the examination shall occur wherever is appropriate.

9 Upon completion of any examination by the county-designated
10 mental health professional or the county-designated chemical
11 dependency specialist, the results of the examination shall be
12 sent to the court with jurisdiction and school, and the court
13 shall consider those results in making any determination about the
14 person.

15 The county-designated mental health professional and county-
16 designated chemical dependency specialist shall, to the extent
17 permitted by law, notify a parent or guardian of the person that
18 an examination and evaluation has taken place and the results of
19 the examination. Nothing in this section prohibits the delivery of
20 additional, appropriate mental health examinations to the person
21 while the person is detained or confined.

22 If the county-designated mental health professional determines
23 it is appropriate, the county-designated mental health
24 professional may refer the person to the local regional support
25 network for follow-up services or the department of social and
26 health services or other community providers for other services to
27 the family and individual.

28 NEW SECTION. **Sec. 3.** A new section is added to chapter 9A.46
29 RCW to read as follows:

30 Upon the arrest of a person at least twelve years of age and
31 not more than twenty-one years of age for violating RCW 9A.46.020
32 relating to felony harassment, on public or private elementary or
33 secondary school premises, school provided transportation, or
34 areas of facilities while being used exclusively by public or
35 private schools, the person shall be detained or confined in a
36 juvenile or adult facility for up to seventy-two hours. The person
37 shall not be released within the seventy-two hours until after the

1 person has been examined and evaluated by the county-designated
2 mental health professional unless the court in its discretion
3 releases the person sooner after a determination regarding
4 probable cause or on probation bond or bail.

5 Within twenty-four hours of the arrest, the arresting law
6 enforcement agency shall refer the person to the county-designated
7 mental health professional for examination and evaluation under
8 chapter 71.05 or 71.34 RCW and inform a parent or guardian of the
9 person of the arrest, detention, and examination. The county-
10 designated mental health professional shall examine and evaluate
11 the person subject to the provisions of chapter 71.05 or 71.34 RCW
12 within twenty-four hours of receiving the referral. The examination
13 shall occur at the facility in which the person is detained or
14 confined. If the person has been released on probation, bond, or
15 bail, the examination shall occur wherever is appropriate.

16 The county-designated mental health professional may, when
17 appropriate, determine whether to refer the person to the county-
18 designated chemical dependency specialist for examination and
19 evaluation in accordance with chapter 70.96A RCW. When a referral
20 is made by the county-designated mental health professional, the
21 county-designated chemical dependency specialist shall examine the
22 person subject to the provisions of chapter 70.96A RCW within
23 twenty-four hours of receiving the referral. The examination shall
24 occur at the facility in which the person is detained or
25 confined. If the person has been released on probation, bond, or
26 bail, the examination shall occur wherever is appropriate.

27 Upon completion of any examination by the county-designated
28 mental health professional or the county-designated chemical
29 dependency specialist, the results of the examination shall be
30 sent to the court with jurisdiction and school, and the court
31 shall consider those results in making any determination about the
32 person.

33 The county-designated mental health professional and county-
34 designated chemical dependency specialist shall, to the extent
35 permitted by law, notify a parent or guardian of the person that
36 an examination and evaluation has taken place and the results of
37 the examination. Nothing in this section prohibits the delivery of

1 additional, appropriate mental health examinations to the person
2 while the person is detained or confined.

3 If the county-designated mental health professional determines
4 it is appropriate, the county-designated mental health
5 professional may refer the person to the local regional support
6 network for follow-up services or the department of social and
7 health services or other community providers for other services to
8 the family and individual.

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