

2SHB 1448 - S COMM AMD
By Committee on Ways & Means

ADOPTED 03/02/2016

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that law
4 enforcement officers may respond to situations in which an individual
5 has threatened harm to himself or herself, but that individual does
6 not meet the criteria to be taken into custody for an evaluation
7 under the involuntary treatment act. In these situations, officers
8 are encouraged to facilitate contact between the individual and a
9 mental health professional in order to protect the individual and the
10 community. While the legislature acknowledges that some law
11 enforcement officers receive mental health training, law enforcement
12 officers are not mental health professionals. It is the intent of the
13 legislature that mental health incidents are addressed by mental
14 health professionals.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 71.05
16 RCW to read as follows:

17 When funded, the Washington association of sheriffs and police
18 chiefs, in consultation with the criminal justice training
19 commission, must develop and adopt a model policy for use by law
20 enforcement agencies relating to a law enforcement officer's referral
21 of a person to a mental health agency after receiving a report of
22 threatened or attempted suicide. The model policy must complement the
23 criminal justice training commission's crisis intervention training
24 curriculum.

25 NEW SECTION. **Sec. 3.** A new section is added to chapter 71.05
26 RCW to read as follows:

27 By July 1, 2017, all general authority Washington law enforcement
28 agencies must adopt a policy establishing criteria and procedures for
29 a law enforcement officer to refer a person to a mental health agency
30 after receiving a report of threatened or attempted suicide.

1 **Sec. 4.** RCW 71.05.120 and 2000 c 94 s 4 are each amended to read
2 as follows:

3 (1) No officer of a public or private agency, nor the
4 superintendent, professional person in charge, his or her
5 professional designee, or attending staff of any such agency, nor any
6 public official performing functions necessary to the administration
7 of this chapter, nor peace officer responsible for detaining a person
8 pursuant to this chapter, nor any county designated mental health
9 professional, nor the state, a unit of local government, or an
10 evaluation and treatment facility shall be civilly or criminally
11 liable for performing duties pursuant to this chapter with regard to
12 the decision of whether to admit, discharge, release, administer
13 antipsychotic medications, or detain a person for evaluation and
14 treatment: PROVIDED, That such duties were performed in good faith
15 and without gross negligence.

16 (2) Peace officers and their employing agencies are not liable
17 for the referral of a person, or the failure to refer a person, to a
18 mental health agency pursuant to a policy adopted pursuant to section
19 3 of this act if such action or inaction is taken in good faith and
20 without gross negligence.

21 (3) This section does not relieve a person from giving the
22 required notices under RCW 71.05.330(2) or 71.05.340(1)(b), or the
23 duty to warn or to take reasonable precautions to provide protection
24 from violent behavior where the patient has communicated an actual
25 threat of physical violence against a reasonably identifiable victim
26 or victims. The duty to warn or to take reasonable precautions to
27 provide protection from violent behavior is discharged if reasonable
28 efforts are made to communicate the threat to the victim or victims
29 and to law enforcement personnel.

30 NEW SECTION. **Sec. 5.** A new section is added to chapter 71.05
31 RCW to read as follows:

32 As soon as possible, but no later than twenty-four hours from
33 receiving a referral from a law enforcement officer or law
34 enforcement agency, excluding Saturdays, Sundays, and holidays, a
35 mental health professional contacted by the designated mental health
36 professional agency must attempt to contact the referred person to
37 determine whether additional mental health intervention is necessary
38 including, if needed, an assessment by a designated mental health
39 professional for initial detention under RCW 71.05.150 or 71.05.153.

1 Documentation of the mental health professional's attempt to contact
2 and assess the person must be maintained by the designated mental
3 health professional agency.

4 NEW SECTION. **Sec. 6.** If specific funding for the purposes of
5 this act, referencing this act by bill or chapter number, is not
6 provided by June 30, 2016, in the omnibus appropriations act, this
7 act is null and void."

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8 On page 1, line 2 of the title, after "suicide;" strike the
9 remainder of the title and insert "amending RCW 71.05.120; adding new
10 sections to chapter 71.05 RCW; and creating new sections."

EFFECT: Replaces bill contents with a new bill providing that:

(1) WASPC must develop and adopt a model policy for use by law enforcement agencies relating to an officer's referral of a person to a mental health agency after receiving a report of threatened or attempted suicide, to complement the Criminal Justice Training Commission's crisis intervention training curriculum;

(2) All general authority Washington law enforcement agencies must adopt a policy establishing criteria and procedures for an officer to refer a person to a mental health agency after receiving a report of threatened or attempted suicide by July 1, 2017;

(3) A DMHP agency must contact a mental health professional who must attempt to contact a person to determine whether additional mental health intervention is needed within 24 hours, excluding weekends and holidays, after receiving a referral from law enforcement. The attempt must be documented;

(4) Liability protection is provided for peace officers and their employing agencies for the referral of a person or failure to refer a person pursuant to policies developed pursuant to this act if such action or inaction is taken in good faith and without gross negligence; and

(5) Adds a null and void clause.

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