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SENATE BILL 5687

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State of Washington

64th Legislature

2015 Regular Session

By Senators Hargrove, Miloscia, Dammeier, Parlette, Braun, Honeyford, Darneille, Warnick, and McAuliffe

Read first time 01/29/15. Referred to Committee on Human Services, Mental Health & Housing.

1 AN ACT Relating to standards for detention of persons with mental  
2 disorders or chemical dependency; amending RCW 70.96B.045 and  
3 71.05.050; and reenacting and amending RCW 71.05.153.

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

5 **Sec. 1.** RCW 70.96B.045 and 2007 c 120 s 2 are each amended to  
6 read as follows:

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

9 (a) A mental disorder, presents (~~(an imminent)~~) a substantial  
10 likelihood of serious harm, or is in (~~(imminent)~~) a substantial  
11 likelihood of danger because of being gravely disabled, after  
12 investigation and evaluation of the specific facts alleged and of the  
13 reliability and credibility of the person or persons providing the  
14 information if any, the designated crisis responder may take the  
15 person, or cause by oral or written order the person to be taken into  
16 emergency custody in an evaluation and treatment facility for not  
17 more than seventy-two hours as described in this chapter; or

18 (b) Chemical dependency, presents (~~(an imminent)~~) a substantial  
19 likelihood of serious harm, or is in (~~(imminent)~~) a substantial  
20 likelihood of danger because of being gravely disabled, after  
21 investigation and evaluation of the specific facts alleged and of the

1 reliability and credibility of the person or persons providing the  
2 information if any, the designated crisis responder may take the  
3 person, or cause by oral or written order the person to be taken,  
4 into emergency custody in a secure detoxification facility for not  
5 more than seventy-two hours as described in this chapter.

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

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

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

36 **Sec. 2.** RCW 71.05.050 and 2000 c 94 s 3 are each amended to read  
37 as follows:

38 Nothing in this chapter shall be construed to limit the right of  
39 any person to apply voluntarily to any public or private agency or

1 practitioner for treatment of a mental disorder, either by direct  
2 application or by referral. Any person voluntarily admitted for  
3 inpatient treatment to any public or private agency shall be released  
4 immediately upon his or her request. Any person voluntarily admitted  
5 for inpatient treatment to any public or private agency shall orally  
6 be advised of the right to immediate discharge, and further advised  
7 of such rights in writing as are secured to them pursuant to this  
8 chapter and their rights of access to attorneys, courts, and other  
9 legal redress. Their condition and status shall be reviewed at least  
10 once each one hundred eighty days for evaluation as to the need for  
11 further treatment or possible discharge, at which time they shall  
12 again be advised of their right to discharge upon request: PROVIDED  
13 HOWEVER, That if the professional staff of any public or private  
14 agency or hospital (~~((regards))~~) determines that a person voluntarily  
15 admitted who requests discharge (~~((as-presenting))~~) presents, as a  
16 result of a mental disorder, (~~((an-imminent))~~) a substantial likelihood  
17 of serious harm, or is in substantial likelihood of being gravely  
18 disabled, they may detain such person for sufficient time to notify  
19 the (~~((county))~~) designated mental health professional of such person's  
20 condition to enable the (~~((county))~~) designated mental health  
21 professional to authorize such person being further held in custody  
22 or transported to an evaluation and treatment center pursuant to the  
23 provisions of this chapter, which shall in ordinary circumstances be  
24 no later than the next judicial day: PROVIDED FURTHER, That if a  
25 person is brought to the emergency room of a public or private agency  
26 or hospital for observation or treatment, the person refuses  
27 voluntary admission, and the professional staff of the public or  
28 private agency or hospital (~~((regard))~~) determines that such person as  
29 presenting as a result of a mental disorder (~~((an-imminent))~~) a  
30 substantial likelihood of serious harm, or (~~((as-presenting-an~~  
31 ~~imminent))~~) is in a substantial likelihood of danger because of  
32 (~~((grave-disability))~~) being gravely disabled, they may detain such  
33 person for sufficient time to notify the (~~((county))~~) designated mental  
34 health professional of such person's condition to enable the  
35 (~~((county))~~) designated mental health professional to authorize such  
36 person being further held in custody or transported to an evaluation  
37 treatment center pursuant to the conditions in this chapter, but  
38 which time shall be no more than six hours from the time the  
39 professional staff determines that an evaluation by the (~~((county))~~)  
40 designated mental health professional is necessary.

1       **Sec. 3.** RCW 71.05.153 and 2011 c 305 s 8 and 2011 c 148 s 2 are  
2 each reenacted and amended to read as follows:

3       (1) When a designated mental health professional receives  
4 information alleging that a person, as the result of a mental  
5 disorder, presents (~~(an imminent)~~) a substantial likelihood of  
6 serious harm, or is in (~~(imminent)~~) a substantial likelihood of  
7 danger because of being gravely disabled, after investigation and  
8 evaluation of the specific facts alleged and of the reliability and  
9 credibility of the person or persons providing the information if  
10 any, the designated mental health professional may take such person,  
11 or cause by oral or written order such person to be taken, into  
12 emergency custody in an evaluation and treatment facility for not  
13 more than seventy-two hours as described in RCW 71.05.180.

14       (2) A peace officer may take or cause such person to be taken  
15 into custody and immediately delivered to a triage facility, crisis  
16 stabilization unit, evaluation and treatment facility, or the  
17 emergency department of a local hospital under the following  
18 circumstances:

19       (a) Pursuant to subsection (1) of this section; or

20       (b) When he or she has reasonable cause to believe that such  
21 person is suffering from a mental disorder and presents (~~(an~~  
22 ~~imminent)~~) a substantial likelihood of serious harm or is in  
23 (~~(imminent)~~) a substantial likelihood of danger because of being  
24 gravely disabled.

25       (3) Persons delivered to a crisis stabilization unit, evaluation  
26 and treatment facility, emergency department of a local hospital, or  
27 triage facility that has elected to operate as an involuntary  
28 facility by peace officers pursuant to subsection (2) of this section  
29 may be held by the facility for a period of up to twelve hours.

30       (4) Within three hours of arrival, the person must be examined by  
31 a mental health professional. Within twelve hours of arrival, the  
32 designated mental health professional must determine whether the  
33 individual meets detention criteria. If the individual is detained,  
34 the designated mental health professional shall file a petition for  
35 detention or a supplemental petition as appropriate and commence  
36 service on the designated attorney for the detained person. If the  
37 individual is released to the community, the mental health provider  
38 shall inform the peace officer of the release within a reasonable  
39 period of time after the release if the peace officer has

1 specifically requested notification and provided contact information  
2 to the provider.

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