
HOUSE BILL 1759

State of Washington

66th Legislature

2019 Regular Session

By Representatives Young, Kirby, Shea, Walsh, Reeves, and Caldier

Read first time 01/30/19. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to veteran diversion from involuntary commitment;
2 amending RCW 71.05.153 and 71.05.153; providing an effective date;
3 and providing an expiration date.

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

5 **Sec. 1.** RCW 71.05.153 and 2016 sp.s. c 29 s 212 are each amended
6 to read as follows:

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

17 (2) When a designated crisis responder receives information
18 alleging that a person, as the result of substance use disorder,
19 presents an imminent likelihood of serious harm, or is in imminent
20 danger because of being gravely disabled, after investigation and
21 evaluation of the specific facts alleged and of the reliability and

1 credibility of the person or persons providing the information if
2 any, the designated crisis responder may take the person, or cause by
3 oral or written order the person to be taken, into emergency custody
4 in a secure detoxification facility or approved substance use
5 disorder treatment program for not more than seventy-two hours as
6 described in RCW 71.05.180, if a secure detoxification facility or
7 approved substance use disorder treatment program is available and
8 has adequate space for the person.

9 (3) (a) Subject to (b) of this subsection, a peace officer may
10 take or cause such person to be taken into custody and immediately
11 delivered to a triage facility, crisis stabilization unit, evaluation
12 and treatment facility, secure detoxification facility, approved
13 substance use disorder treatment program, or the emergency department
14 of a local hospital under the following circumstances:

15 (i) Pursuant to subsection (1) or (2) of this section; or

16 (ii) When he or she has reasonable cause to believe that such
17 person is suffering from a mental disorder or substance use disorder
18 and presents an imminent likelihood of serious harm or is in imminent
19 danger because of being gravely disabled.

20 (b) A peace officer's delivery of a person, based on a substance
21 use disorder, to a secure detoxification facility or approved
22 substance use disorder treatment program is subject to the
23 availability of a secure detoxification facility or approved
24 substance use disorder treatment program with adequate space for the
25 person.

26 (4) Persons delivered to a crisis stabilization unit, evaluation
27 and treatment facility, emergency department of a local hospital,
28 triage facility that has elected to operate as an involuntary
29 facility, secure detoxification facility, or approved substance use
30 disorder treatment program by peace officers pursuant to subsection
31 (3) of this section may be held by the facility for a period of up to
32 twelve hours, not counting time periods prior to medical clearance.

33 (5) Within three hours after arrival, not counting time periods
34 prior to medical clearance, the person must be examined by a mental
35 health professional. The facility shall inquire as to a person's
36 veteran status or eligibility for veteran's benefits and report to
37 the veterans health administration, as soon as reasonably possible,
38 and take into consideration the person's emergency care needs, when a
39 person who has been identified as a veteran or a person who is
40 eligible for veterans services is being treated for a mental health

1 or substance use disorder. The facility must request a transfer to a
2 veterans health administration facility for treatment. If the
3 transfer request is approved by the veterans health administration,
4 the person shall be released to the accepting veterans health
5 administration facility upon medical clearance. Within twelve hours
6 of notice of the need for evaluation, not counting time periods prior
7 to medical clearance, the designated crisis responder must determine
8 whether the individual meets detention criteria. If the individual is
9 detained, the designated crisis responder shall file a petition for
10 detention or a supplemental petition as appropriate and commence
11 service on the designated attorney for the detained person. If the
12 individual is released to the community, the mental health service
13 provider shall inform the peace officer of the release within a
14 reasonable period of time after the release if the peace officer has
15 specifically requested notification and provided contact information
16 to the provider.

17 (6) Dismissal of a commitment petition is not the appropriate
18 remedy for a violation of the timeliness requirements of this section
19 based on the intent of this chapter under RCW 71.05.010 except in the
20 few cases where the facility staff or designated mental health
21 professional has totally disregarded the requirements of this
22 section.

23 **Sec. 2.** RCW 71.05.153 and 2016 sp.s. c 29 s 213 are each amended
24 to read as follows:

25 (1) When a designated crisis responder receives information
26 alleging that a person, as the result of a mental disorder, presents
27 an imminent likelihood of serious harm, or is in imminent danger
28 because of being gravely disabled, after investigation and evaluation
29 of the specific facts alleged and of the reliability and credibility
30 of the person or persons providing the information if any, the
31 designated crisis responder may take such person, or cause by oral or
32 written order such person to be taken into emergency custody in an
33 evaluation and treatment facility for not more than seventy-two hours
34 as described in RCW 71.05.180.

35 (2) When a designated crisis responder receives information
36 alleging that a person, as the result of substance use disorder,
37 presents an imminent likelihood of serious harm, or is in imminent
38 danger because of being gravely disabled, after investigation and
39 evaluation of the specific facts alleged and of the reliability and

1 credibility of the person or persons providing the information if
2 any, the designated crisis responder may take the person, or cause by
3 oral or written order the person to be taken, into emergency custody
4 in a secure detoxification facility or approved substance use
5 disorder treatment program for not more than seventy-two hours as
6 described in RCW 71.05.180.

7 (3) A peace officer may take or cause such person to be taken
8 into custody and immediately delivered to a triage facility, crisis
9 stabilization unit, evaluation and treatment facility, secure
10 detoxification facility, approved substance use disorder treatment
11 program, or the emergency department of a local hospital under the
12 following circumstances:

13 (a) Pursuant to subsection (1) or (2) of this section; or

14 (b) When he or she has reasonable cause to believe that such
15 person is suffering from a mental disorder or substance use disorder
16 and presents an imminent likelihood of serious harm or is in imminent
17 danger because of being gravely disabled.

18 (4) Persons delivered to a crisis stabilization unit, evaluation
19 and treatment facility, emergency department of a local hospital,
20 triage facility that has elected to operate as an involuntary
21 facility, secure detoxification facility, or approved substance use
22 disorder treatment program by peace officers pursuant to subsection
23 (3) of this section may be held by the facility for a period of up to
24 twelve hours, not counting time periods prior to medical clearance.

25 (5) Within three hours after arrival, not counting time periods
26 prior to medical clearance, the person must be examined by a mental
27 health professional. The facility shall inquire as to a person's
28 veteran status or eligibility for veteran's benefits and report to
29 the veterans health administration, as soon as reasonably possible,
30 and take into consideration the person's emergency care needs, when a
31 person who has been identified as a veteran or a person who is
32 eligible for veterans services is being treated for a mental health
33 or substance use disorder. The facility must request a transfer to a
34 veterans health administration facility for treatment. If the
35 transfer request is approved by the veterans health administration,
36 the person shall be released to the accepting veterans health
37 administration facility upon medical clearance. Within twelve hours
38 of notice of the need for evaluation, not counting time periods prior
39 to medical clearance, the designated crisis responder must determine
40 whether the individual meets detention criteria. If the individual is

1 detained, the designated crisis responder shall file a petition for
2 detention or a supplemental petition as appropriate and commence
3 service on the designated attorney for the detained person. If the
4 individual is released to the community, the mental health service
5 provider shall inform the peace officer of the release within a
6 reasonable period of time after the release if the peace officer has
7 specifically requested notification and provided contact information
8 to the provider.

9 (6) Dismissal of a commitment petition is not the appropriate
10 remedy for a violation of the timeliness requirements of this section
11 based on the intent of this chapter under RCW 71.05.010 except in the
12 few cases where the facility staff or designated mental health
13 professional has totally disregarded the requirements of this
14 section.

15 NEW SECTION. **Sec. 3.** Section 1 of this act expires July 1,
16 2026.

17 NEW SECTION. **Sec. 4.** Section 2 of this act takes effect July 1,
18 2026.

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