
SUBSTITUTE HOUSE BILL 1826

State of Washington

66th Legislature

2019 Regular Session

By House Civil Rights & Judiciary (originally sponsored by Representatives Leavitt, Kilduff, and Morgan)

READ FIRST TIME 02/22/19.

1 AN ACT Relating to the disclosure of certain information during
2 the discharge planning process; amending RCW 71.05.365; adding a new
3 section to chapter 71.05 RCW; and prescribing penalties.

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

5 **Sec. 1.** RCW 71.05.365 and 2016 sp.s. c 37 s 15 are each amended
6 to read as follows:

7 (1) When a person has been involuntarily committed for treatment
8 to a hospital for a period of ninety or one hundred eighty days, and
9 the superintendent or professional person in charge of the hospital
10 determines that the person no longer requires active psychiatric
11 treatment at an inpatient level of care, the behavioral health
12 organization, full integration entity under RCW 71.24.380, managed
13 care organization, administrative services organization, or agency
14 providing oversight of long-term care or developmental disability
15 services that is responsible for resource management services for the
16 person must work with the hospital to develop an individualized
17 discharge plan and arrange for a transition to the community in
18 accordance with the person's individualized discharge plan within
19 fourteen days of the determination.

20 (2) The superintendent or professional person in charge of the
21 hospital shall disclose to the behavioral health organization, full

1 integration entity under RCW 71.24.380, managed care organization,
2 administrative services organization, or agency providing oversight
3 of long-term care or developmental disability services that is
4 responsible for resource management services for the person, any
5 publicly accessible forensic reports and relevant details of a
6 person's criminal history for: (a) A person who has a history of one
7 or more violent acts as defined in RCW 71.05.020; (b) a person
8 committed under grounds set forth in RCW 71.05.280(3) where the
9 charge underlying the finding of incompetence is for a felony
10 classified as violent under RCW 9.94A.030; or (c) a person who has
11 been convicted of a serious violent offense as defined in RCW
12 9.94A.030 or a sex offense as defined in RCW 9.94A.030.

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

15 Any information or records received by a law enforcement entity
16 or prosecuting attorney's office under this chapter shall remain
17 confidential and subject to the limitations on disclosure set forth
18 in this chapter and chapter 70.02 RCW. The misuse or unauthorized
19 disclosure of information or records by any person, law enforcement
20 entity or prosecuting attorney's office, or other person with whom
21 information is shared pursuant to RCW 70.02.260, shall subject the
22 person, entity or office with which the person is associated, or
23 both, to a civil penalty of five thousand dollars and other
24 applicable civil remedies or sanctions under state and federal law. A
25 suit to enforce this section shall be brought by the attorney
26 general. All penalties recovered shall be paid into the state
27 treasury and credited to the general fund. The attorney general may
28 recover reasonable attorneys' fees for any action brought to enforce
29 this section.

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