

2SHB 3076 - S COMM AMD

By Committee on Ways & Means

ADOPTED AND ENGROSSED 03/03/2010

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

3 "NEW SECTION. **Sec. 1.** (1) The Washington institute for public
4 policy shall, in collaboration with the department of social and health
5 services and other applicable entities, undertake a search for a
6 validated mental health assessment tool or combination of tools to be
7 used by designated mental health professionals when undertaking
8 assessments of individuals for detention, commitment, and revocation
9 under the involuntary treatment act pursuant to chapter 71.05 RCW.

10 (2) This section expires June 30, 2011.

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

13 (1) In determining whether a person is gravely disabled or presents
14 a likelihood of serious harm, the court or evaluating designated mental
15 health professional must consider the symptoms and behavior of the
16 respondent in light of all available evidence or information concerning
17 the respondent's historical behavior, as disclosed by the clinical
18 record or credible witnesses with knowledge of the respondent.

19 (2) Symptoms or behavior which standing alone would not justify
20 civil commitment may support an inference of grave disability or
21 likelihood of serious harm when: (a) Such symptoms or behavior are
22 closely associated with symptoms or behavior which preceded and led to
23 a past incident of involuntary hospitalization, severe deterioration,
24 or one or more violent acts; (b) these symptoms or behavior represent
25 a marked and concerning change in the baseline behavior of the
26 respondent; and (c) without treatment, the continued deterioration of
27 the respondent is highly probable.

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

3 (1) Whenever a person who is the subject of an involuntary
4 commitment order under this chapter is discharged from an evaluation
5 and treatment facility or state hospital, the evaluation and treatment
6 facility or state hospital shall provide notice of the person's
7 discharge to the designated mental health professional office
8 responsible for the initial commitment and the designated mental health
9 professional office that serves the county in which the person is
10 expected to reside. The evaluation and treatment facility or state
11 hospital must also provide these offices with a copy of any less
12 restrictive order or conditional release order entered in conjunction
13 with the discharge of the person, unless the evaluation and treatment
14 facility or state hospital has entered into a memorandum of
15 understanding obligating another entity to provide these documents.

16 (2) The notice and documents referred to in subsection (1) of this
17 section shall be provided as soon as possible and no later than one
18 business day following the discharge of the person. Notice is not
19 required under this section if the discharge is for the purpose of
20 transferring the person for continued detention and treatment under
21 this chapter at another treatment facility.

22 (3) The department shall maintain and make available an updated
23 list of contact information for designated mental health professional
24 offices around the state.

25 NEW SECTION. **Sec. 4.** Section 2 of this act is effective January
26 1, 2012.

27 NEW SECTION. **Sec. 5.** A new section is added to chapter 9.94A RCW
28 to read as follows:

29 (1) Before imposing any legal financial obligations upon a
30 defendant who suffers from a mental health condition, other than
31 restitution or the victim penalty assessment under RCW 7.68.035, a
32 judge must first determine that the defendant, under the terms of this
33 section, has the means to pay such additional sums.

34 (2) For the purposes of this section, a defendant suffers from a
35 mental health condition when the defendant has been diagnosed with a
36 mental disorder that prevents the defendant from participating in

1 gainful employment, as evidenced by a determination of mental
2 disability as the basis for the defendant's enrollment in a public
3 assistance program, a record of involuntary hospitalization, or by
4 competent expert evaluation.

5 NEW SECTION. **Sec. 6.** If specific funding for the purposes of
6 sections 1 through 4 of this act, referencing this act by bill or
7 chapter number, is not provided by June 30, 2010, in the omnibus
8 appropriations act, sections 1 through 4 of this act are null and
9 void."

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10 On page 1, line 2 of the title, after "act;" strike the remainder
11 of the title and insert "adding new sections to chapter 71.05 RCW;
12 adding a new section to chapter 9.94A RCW; creating new sections;
13 providing an effective date; and providing an expiration date."

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