

# FINAL BILL REPORT

## SSB 5282

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### C 216 L 13

Synopsis as Enacted

**Brief Description:** Creating a work group for consolidation of statewide involuntary commitment information.

**Sponsors:** Senate Committee on Human Services & Corrections (originally sponsored by Senators Carrell, Pearson, Keiser, Sheldon, Becker, Tom, Parlette, Rivers, Braun, Bailey, Padden, Roach, Litzow, Honeyford and Shin).

#### **Senate Committee on Human Services & Corrections**

#### **House Committee on Judiciary**

**Background:** Records of persons involuntarily committed for mental health treatment are maintained by the Department of Social and Health Services (DSHS) and by various community mental health agencies which initiate civil commitments in each of Washington State's 11 regional support networks (RSNs). Since 2009, state law has required a court which orders the involuntary commitment of a person for mental health treatment to forward identifying information about the person, along with the date of commitment, to the Department of Licensing (DOL) and the National Instant Criminal Background Check System (NICS), operated by the federal government, within three judicial days after entry of the commitment order.

A person who is involuntarily committed for mental health treatment as an adult or child under civil commitment laws or forensic commitment laws related to criminal insanity and competency to stand trial is prohibited from possession of a firearm under state and federal law. Under state law, possession of a firearm by such a person is a felony. A person who has been involuntarily committed, but not acquitted by reason of insanity for a sex offense or class A felony punishable by a maximum sentence of at least 20 years, may petition a court to have firearm possession rights restored.

A law enforcement agency which issues a concealed pistol license, alien firearm license, or is contacted by a dealer to verify firearm eligibility on behalf of a purchaser of a firearm must conduct a background check through NICS, the Washington State Patrol's (WSP) electronic database, and DSHS. The law enforcement agency may contact other agencies or resources as appropriate, including RSNs and community mental health agencies.

**Summary:** DOL must convene a workgroup with DSHS, WSP, and representatives of RSNs and superior courts to create a proposal for consolidation of statewide involuntary

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

commitment information for the purpose of accurate and efficient verification of eligibility to possess a firearm. The workgroup must make recommendations as to privacy protections and whether access may legally be provided to designated mental health professionals (DMHPs) and law enforcement officials for use in the official course of their duties. The workgroup must report its recommendations by December 1, 2013.

By August 1, 2013, all RSNs must forward historical mental health commitment information to DSHS. As soon as feasible, the RSNs must arrange to report new commitment data to DSHS within 24 hours. RSNs and DSHS are immune from liability related to the sharing of commitment information under this act.

**Votes on Final Passage:**

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|--------|----|---|--------------------|
| Senate | 48 | 0 |                    |
| House  | 93 | 0 | (House amended)    |
| Senate | 48 | 0 | (Senate concurred) |

**Effective:** July 28, 2013.