
ENGROSSED SUBSTITUTE SENATE BILL 5480

State of Washington

63rd Legislature

2013 Regular Session

By Senate Human Services & Corrections (originally sponsored by Senators Keiser, Kohl-Welles, Darneille, Nelson, McAuliffe, and Kline)

READ FIRST TIME 02/19/13.

1 AN ACT Relating to mental health involuntary commitment laws;
2 amending RCW 71.05.040; amending 2011 2nd sp.s. c 6 ss 1 and 3
3 (uncodified); adding new sections to chapter 71.05 RCW; creating a new
4 section; providing an effective date; and providing an expiration date.

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

6 **Sec. 1.** 2011 2nd sp.s. c 6 s 1 (uncodified) is amended to read as
7 follows:

8 Sections 2 and 3 of this act take effect July 1, ((2015)) 2014.

9 **Sec. 2.** 2011 2nd sp.s. c 6 s 3 (uncodified) is amended to read as
10 follows:

11 Section 2 of this act expires July 1, ((2015)) 2014.

12 NEW SECTION. **Sec. 3.** The department of social and health services
13 shall consult with stakeholders and legislative staff to ensure that
14 moneys appropriated for this legislation are spent in a way that
15 increases involuntary commitment capacity consistent with the findings
16 published by the Washington state institute for public policy in its

1 two part report, "inpatient psychiatric capacity in Washington state:
2 Assessing future needs and impacts."

3 **Sec. 4.** RCW 71.05.040 and 2004 c 166 s 2 are each amended to read
4 as follows:

5 (1) Persons ((~~who are developmentally disabled~~)) with developmental
6 disabilities, impaired by chronic alcoholism or drug abuse, or
7 suffering from dementia shall not be detained for evaluation and
8 treatment or judicially committed solely by reason of that condition
9 unless such condition causes a person to be gravely disabled or as a
10 result of a mental disorder such condition exists that constitutes a
11 likelihood of serious harm: Provided however, That persons ((~~who are~~
12 ~~developmentally disabled~~)) with developmental disabilities, impaired by
13 chronic alcoholism or drug abuse, or suffering from dementia and who
14 otherwise meet the criteria for detention or judicial commitment are
15 not ineligible for detention or commitment based on this condition
16 alone.

17 (2) The fact that a mental disorder within the definition of RCW
18 71.05.020 is caused by an underlying medical condition does not provide
19 a reason to withhold detention under this chapter. The fact that a
20 person has been involuntarily detained does not give the right to
21 provide medical treatment against the person's will, except as
22 specified in RCW 71.05.217(7) and 71.05.360(10).

23 NEW SECTION. **Sec. 5.** A new section is added to chapter 71.05 RCW
24 to read as follows:

25 A designated mental health professional shall take serious
26 consideration of observations and opinions by examining physicians in
27 determining whether detention under this chapter is appropriate. An
28 examining physician who disagrees with a determination not to initiate
29 detention under RCW 71.05.150 or 71.05.153 may submit a declaration
30 describing the reasons why, in the view of the physician, detention is
31 appropriate and stating whether the physician is willing, if necessary,
32 to testify to the physician's observations in court. A designated
33 mental health professional who receives such a declaration and does not
34 initiate detention must provide a written response stating with
35 particularity the reason or reasons why the person has not been
36 detained.

1 NEW SECTION. **Sec. 6.** A new section is added to chapter 71.05 RCW
2 to read as follows:

3 A designated mental health professional who conducts an evaluation
4 for imminent likelihood of serious harm or imminent danger because of
5 being gravely disabled under RCW 71.05.153 must also evaluate the
6 person under RCW 71.05.150 for likelihood of serious harm or grave
7 disability that does not meet the imminent standard for emergency
8 detention.

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