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**SECOND SUBSTITUTE HOUSE BILL 1448**

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**State of Washington 64th Legislature 2016 Regular Session**

**By** House Judiciary (originally sponsored by Representatives Riccelli, Holy, Parker, Ormsby, Caldier, Hayes, Jinkins, Walkinshaw, Gregerson, Appleton, Ryu, McBride, and Shea)

AN ACT Relating to procedures for responding to reports of threatened or attempted suicide; amending RCW 71.05.120; adding a new section to chapter 71.05 RCW; and creating a new section.

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

NEW SECTION. **Sec.**  The legislature finds that law enforcement officers may respond to situations in which an individual has threatened harm to himself or herself, but that individual does not meet the criteria to be taken into custody for an evaluation under the involuntary treatment act. In these situations, officers are encouraged to facilitate contact between the individual and a mental health professional in order to protect the individual and the community. While the legislature acknowledges that some law enforcement officers receive mental health training, law enforcement officers are not mental health professionals. It is the intent of the legislature that mental health incidents are addressed by mental health professionals.

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

(1) A peace officer responding to a report of threatened or attempted suicide must notify a designated mental health professional agency that the person who is the subject of the report may be in need of a mental health evaluation if:

(a) The officer does not take the person into custody; and

(b) The officer knows, based on the information available to him or her, that the person has been the subject of a previous report of threatened or attempted suicide within the last twelve months.

(2) The officer may provide the notice required under subsection (1) of this section either through notation in an incident report that is forwarded to the designated mental health professional agency or through other means. Notice must be provided as soon as possible, but no later than seventy-two hours from the entry of the incident report, excluding Saturdays, Sundays, and holidays.

(3) As soon as possible, but no later than twenty-four hours from receiving the incident report or other notice under this section, excluding Saturdays, Sundays, and holidays, a mental health professional contacted by the designated mental health professional agency must attempt to contact the person who is the subject of the report to determine whether additional mental health intervention is necessary including, if needed, an assessment by a designated mental health professional for initial detention under RCW 71.05.150 or 71.05.153. Documentation of the mental health professional's attempt to contact and assess the person must be maintained by the designated mental health professional agency.

(4) By January 1, 2017, law enforcement agencies must have a system in place for officers to document, as part of an incident report, the need for a mental health evaluation of a person who is the subject of a report of threatened or attempted suicide.

**Sec.**  RCW 71.05.120 and 2000 c 94 s 4 are each amended to read as follows:

(1) No officer of a public or private agency, nor the superintendent, professional person in charge, his or her professional designee, or attending staff of any such agency, nor any public official performing functions necessary to the administration of this chapter, nor peace officer responsible for detaining a person pursuant to this chapter, nor any ((~~county~~)) designated mental health professional, nor the state, a unit of local government, or an evaluation and treatment facility shall be civilly or criminally liable for performing duties pursuant to this chapter with regard to the decision of whether to admit, discharge, release, administer antipsychotic medications, or detain a person for evaluation and treatment: PROVIDED, That such duties were performed in good faith and without gross negligence.

(2) Peace officers and their employing agencies are not liable for providing or not providing notification under section 2 of this act if such action or inaction is taken in good faith and without gross negligence.

(3) This section does not relieve a person from giving the required notices under RCW 71.05.330(2) or 71.05.340(1)(b), or the duty to warn or to take reasonable precautions to provide protection from violent behavior where the patient has communicated an actual threat of physical violence against a reasonably identifiable victim or victims. The duty to warn or to take reasonable precautions to provide protection from violent behavior is discharged if reasonable efforts are made to communicate the threat to the victim or victims and to law enforcement personnel.

**--- END ---**