

SENATE BILL REPORT

HB 1069

As of March 20, 2017

Title: An act relating to procedures for enforcing outpatient civil commitment orders.

Brief Description: Concerning procedures for enforcing outpatient civil commitment orders.

Sponsors: Representatives Jinkins, Appleton, Kirby, Fey and Cody.

Brief History: Passed House: 2/01/17, 97-0.

Committee Activity: Human Services, Mental Health & Housing: 3/14/17.

Brief Summary of Bill

- Allows less restrictive alternative (LRA) order revocation or modification petitions to be filed in the county of the court that originally ordered commitment or the county where the person is located.
- Removes authority for a facility monitoring an LRA order to request a court hearing to review compliance or request modification of the order.

SENATE COMMITTEE ON HUMAN SERVICES, MENTAL HEALTH & HOUSING

Staff: Kevin Black (786-7747)

Background: The Involuntary Treatment Act. Under the Involuntary Treatment Act (ITA), an evaluation for detention for civil commitment may be requested by calling a crisis line. Only a designated mental health professional (DMHP) may perform a mental health civil commitment evaluation. The ITA process starts with a 12-hour hold for investigation and evaluation by the DMHP to determine whether to detain the person. The purpose of this evaluation is to determine whether, as the result of a mental disorder, the person presents a likelihood of serious harm or is gravely disabled. If the DMHP so finds, the DMHP may detain the person for up to 72 hours if the DMHP can locate a bed in a licensed evaluation and treatment facility (E&T) or in a facility capable of providing timely and appropriate mental health treatment that is willing accept the person pursuant to a single-bed certification.

The facility providing 72-hour treatment may file a civil commitment petition asking superior court to authorize continued detention for up to an additional 14 days. If the condition of the

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person does not sufficiently improve, the facility may subsequently file a petition asking the court to authorize an additional 90 days of involuntary inpatient treatment. Alternatively, the facility may request a 90-day LRA order, which is a court order requiring the person to receive involuntary outpatient treatment and imposing other conditions, such as to reside in a specified location and refrain from harmful acts.

If a person on an LRA order fails to follow the court conditions, their mental health condition substantially deteriorates, or the person presents a likelihood of serious harm, the monitoring agency or DMHP may take action to enforce the LRA order. Actions permitted under statute include:

- to counsel, advise, or admonish the person, or offer incentives to motivate compliance;
- to increase the intensity of outpatient services;
- to request a court hearing for review and modification of the court order;
- to cause the person to be transported to a facility for up to 12 hours for the purpose of an evaluation; and
- to initiate a revocation process by the DMHP.

Revocation of LRAs. In 2015, the Legislature changed the rules for revocation of LRAs. Some jurisdictions have interpreted new statutory language as changing the venue requirements for LRA order revocation petitions by requiring the petition to be filed in the court that originally entered the LRA order, instead of the court where the person is being detained for revocation.

Summary of Bill: A DMHP is authorized to file a petition for revocation or modification of an LRA order and an order for apprehension and detention, if applicable, with the court that originally ordered commitment or the court of the county where the person is located.

Authority is removed for an agency or facility designated to monitor or provide services under an LRA order to admonish a person with an LRA order or to request a hearing for court review and modification of an LRA order. A requirement is removed for the county prosecutor to assist in requesting the review and modification hearing and issuing an appropriate summons.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This issue was brought to me as a needed legal fix. There is a similar Senate bill on this topic.

Persons Testifying: PRO: Representative Jinkins, Prime Sponsor.

Persons Signed In To Testify But Not Testifying: No one.