

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE SENATE BILL 6491**

65th Legislature  
2018 Regular Session

Passed by the Senate March 6, 2018  
Yeas 48 Nays 1

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**President of the Senate**

Passed by the House March 1, 2018  
Yeas 92 Nays 5

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6491** as passed by Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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ENGROSSED SUBSTITUTE SENATE BILL 6491

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AS AMENDED BY THE HOUSE

Passed Legislature - 2018 Regular Session

State of Washington                      65th Legislature                      2018 Regular Session

By Senate Ways & Means (originally sponsored by Senators O'Ban and Darneille)

READ FIRST TIME 02/06/18.

1            AN ACT Relating to increasing the availability of assisted  
2 outpatient behavioral health treatment; amending RCW 71.05.020,  
3 71.05.150, 71.05.150, 71.05.230, 71.05.240, 71.05.590, 71.05.590,  
4 71.05.201, 71.05.156, 71.05.212, 71.05.245, 71.05.280, and 71.05.595;  
5 reenacting and amending RCW 71.05.585 and 71.05.240; adding a new  
6 section to chapter 71.05 RCW; providing effective dates; providing an  
7 expiration date; and declaring an emergency.

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

9            **Sec. 1.** RCW 71.05.020 and 2017 3rd sp.s. c 14 s 14 are each  
10 amended to read as follows:

11            The definitions in this section apply throughout this chapter  
12 unless the context clearly requires otherwise.

13            (1) "Admission" or "admit" means a decision by a physician,  
14 physician assistant, or psychiatric advanced registered nurse  
15 practitioner that a person should be examined or treated as a patient  
16 in a hospital;

17            (2) "Alcoholism" means a disease, characterized by a dependency  
18 on alcoholic beverages, loss of control over the amount and  
19 circumstances of use, symptoms of tolerance, physiological or  
20 psychological withdrawal, or both, if use is reduced or discontinued,

1 and impairment of health or disruption of social or economic  
2 functioning;

3 (3) "Antipsychotic medications" means that class of drugs  
4 primarily used to treat serious manifestations of mental illness  
5 associated with thought disorders, which includes, but is not limited  
6 to atypical antipsychotic medications;

7 (4) "Approved substance use disorder treatment program" means a  
8 program for persons with a substance use disorder provided by a  
9 treatment program certified by the department as meeting standards  
10 adopted under chapter 71.24 RCW;

11 (5) "Attending staff" means any person on the staff of a public  
12 or private agency having responsibility for the care and treatment of  
13 a patient;

14 (6) "Chemical dependency" means:

15 (a) Alcoholism;

16 (b) Drug addiction; or

17 (c) Dependence on alcohol and one or more psychoactive chemicals,  
18 as the context requires;

19 (7) "Chemical dependency professional" means a person certified  
20 as a chemical dependency professional by the department of health  
21 under chapter 18.205 RCW;

22 (8) "Commitment" means the determination by a court that a person  
23 should be detained for a period of either evaluation or treatment, or  
24 both, in an inpatient or a less restrictive setting;

25 (9) "Conditional release" means a revocable modification of a  
26 commitment, which may be revoked upon violation of any of its terms;

27 (10) "Crisis stabilization unit" means a short-term facility or a  
28 portion of a facility licensed by the department of health and  
29 certified by the department of social and health services under RCW  
30 71.24.035, such as an evaluation and treatment facility or a  
31 hospital, which has been designed to assess, diagnose, and treat  
32 individuals experiencing an acute crisis without the use of long-term  
33 hospitalization;

34 (11) "Custody" means involuntary detention under the provisions  
35 of this chapter or chapter 10.77 RCW, uninterrupted by any period of  
36 unconditional release from commitment from a facility providing  
37 involuntary care and treatment;

38 (12) "Department" means the department of social and health  
39 services;

1 (13) "Designated crisis responder" means a mental health  
2 professional appointed by the county, an entity appointed by the  
3 county, or the behavioral health organization to perform the duties  
4 specified in this chapter;

5 (14) "Detention" or "detain" means the lawful confinement of a  
6 person, under the provisions of this chapter;

7 (15) "Developmental disabilities professional" means a person who  
8 has specialized training and three years of experience in directly  
9 treating or working with persons with developmental disabilities and  
10 is a psychiatrist, physician assistant working with a supervising  
11 psychiatrist, psychologist, psychiatric advanced registered nurse  
12 practitioner, or social worker, and such other developmental  
13 disabilities professionals as may be defined by rules adopted by the  
14 secretary;

15 (16) "Developmental disability" means that condition defined in  
16 RCW 71A.10.020(5);

17 (17) "Discharge" means the termination of hospital medical  
18 authority. The commitment may remain in place, be terminated, or be  
19 amended by court order;

20 (18) "Drug addiction" means a disease, characterized by a  
21 dependency on psychoactive chemicals, loss of control over the amount  
22 and circumstances of use, symptoms of tolerance, physiological or  
23 psychological withdrawal, or both, if use is reduced or discontinued,  
24 and impairment of health or disruption of social or economic  
25 functioning;

26 (19) "Evaluation and treatment facility" means any facility which  
27 can provide directly, or by direct arrangement with other public or  
28 private agencies, emergency evaluation and treatment, outpatient  
29 care, and timely and appropriate inpatient care to persons suffering  
30 from a mental disorder, and which is certified as such by the  
31 department. The department may certify single beds as temporary  
32 evaluation and treatment beds under RCW 71.05.745. A physically  
33 separate and separately operated portion of a state hospital may be  
34 designated as an evaluation and treatment facility. A facility which  
35 is part of, or operated by, the department or any federal agency will  
36 not require certification. No correctional institution or facility,  
37 or jail, shall be an evaluation and treatment facility within the  
38 meaning of this chapter;

39 (20) "Gravely disabled" means a condition in which a person, as a  
40 result of a mental disorder, or as a result of the use of alcohol or

1 other psychoactive chemicals: (a) Is in danger of serious physical  
2 harm resulting from a failure to provide for his or her essential  
3 human needs of health or safety; or (b) manifests severe  
4 deterioration in routine functioning evidenced by repeated and  
5 escalating loss of cognitive or volitional control over his or her  
6 actions and is not receiving such care as is essential for his or her  
7 health or safety;

8 (21) "Habilitative services" means those services provided by  
9 program personnel to assist persons in acquiring and maintaining life  
10 skills and in raising their levels of physical, mental, social, and  
11 vocational functioning. Habilitative services include education,  
12 training for employment, and therapy. The habilitative process shall  
13 be undertaken with recognition of the risk to the public safety  
14 presented by the person being assisted as manifested by prior charged  
15 criminal conduct;

16 (22) "History of one or more violent acts" refers to the period  
17 of time ten years prior to the filing of a petition under this  
18 chapter, excluding any time spent, but not any violent acts  
19 committed, in a mental health facility, a long-term alcoholism or  
20 drug treatment facility, or in confinement as a result of a criminal  
21 conviction;

22 (23) "Imminent" means the state or condition of being likely to  
23 occur at any moment or near at hand, rather than distant or remote;

24 (24) "Individualized service plan" means a plan prepared by a  
25 developmental disabilities professional with other professionals as a  
26 team, for a person with developmental disabilities, which shall  
27 state:

28 (a) The nature of the person's specific problems, prior charged  
29 criminal behavior, and habilitation needs;

30 (b) The conditions and strategies necessary to achieve the  
31 purposes of habilitation;

32 (c) The intermediate and long-range goals of the habilitation  
33 program, with a projected timetable for the attainment;

34 (d) The rationale for using this plan of habilitation to achieve  
35 those intermediate and long-range goals;

36 (e) The staff responsible for carrying out the plan;

37 (f) Where relevant in light of past criminal behavior and due  
38 consideration for public safety, the criteria for proposed movement  
39 to less-restrictive settings, criteria for proposed eventual

1 discharge or release, and a projected possible date for discharge or  
2 release; and

3 (g) The type of residence immediately anticipated for the person  
4 and possible future types of residences;

5 (25) "Information related to mental health services" means all  
6 information and records compiled, obtained, or maintained in the  
7 course of providing services to either voluntary or involuntary  
8 recipients of services by a mental health service provider. This may  
9 include documents of legal proceedings under this chapter or chapter  
10 71.34 or 10.77 RCW, or somatic health care information;

11 (26) "Intoxicated person" means a person whose mental or physical  
12 functioning is substantially impaired as a result of the use of  
13 alcohol or other psychoactive chemicals;

14 (27) "In need of assisted outpatient (~~mental~~) behavioral health  
15 treatment" means that a person, as a result of a mental disorder or  
16 substance use disorder: (a) (~~Has been committed by a court to~~  
17 ~~detention for involuntary mental health treatment at least twice~~  
18 ~~during the preceding thirty-six months, or, if the person is~~  
19 ~~currently committed for involuntary mental health treatment, the~~  
20 ~~person has been committed to detention for involuntary mental health~~  
21 ~~treatment at least once during the thirty-six months preceding the~~  
22 ~~date of initial detention of the current commitment cycle; (b)) Has  
23 been committed by a court to detention for involuntary behavioral  
24 health treatment during the preceding thirty-six months; (b) is  
25 unlikely to voluntarily participate in outpatient treatment without  
26 an order for less restrictive alternative treatment, ((in view of the  
27 person's treatment history or current behavior; (c) is unlikely to  
28 survive safely in the community without supervision; (d) is likely to  
29 benefit from less restrictive alternative treatment; and (e)) based  
30 on a history of nonadherence with treatment or in view of the  
31 person's current behavior; (c) is likely to benefit from less  
32 restrictive alternative treatment; and (d) requires less restrictive  
33 alternative treatment to prevent a relapse, decompensation, or  
34 deterioration that is likely to result in the person presenting a  
35 likelihood of serious harm or the person becoming gravely disabled  
36 within a reasonably short period of time((. For purposes of (a) of  
37 this subsection, time spent in a mental health facility or in  
38 confinement as a result of a criminal conviction is excluded from the  
39 thirty-six month calculation));~~

1 (28) "Judicial commitment" means a commitment by a court pursuant  
2 to the provisions of this chapter;

3 (29) "Legal counsel" means attorneys and staff employed by county  
4 prosecutor offices or the state attorney general acting in their  
5 capacity as legal representatives of public mental health and  
6 substance use disorder service providers under RCW 71.05.130;

7 (30) "Less restrictive alternative treatment" means a program of  
8 individualized treatment in a less restrictive setting than inpatient  
9 treatment that includes the services described in RCW 71.05.585;

10 (31) "Licensed physician" means a person licensed to practice  
11 medicine or osteopathic medicine and surgery in the state of  
12 Washington;

13 (32) "Likelihood of serious harm" means:

14 (a) A substantial risk that: (i) Physical harm will be inflicted  
15 by a person upon his or her own person, as evidenced by threats or  
16 attempts to commit suicide or inflict physical harm on oneself; (ii)  
17 physical harm will be inflicted by a person upon another, as  
18 evidenced by behavior which has caused such harm or which places  
19 another person or persons in reasonable fear of sustaining such harm;  
20 or (iii) physical harm will be inflicted by a person upon the  
21 property of others, as evidenced by behavior which has caused  
22 substantial loss or damage to the property of others; or

23 (b) The person has threatened the physical safety of another and  
24 has a history of one or more violent acts;

25 (33) "Medical clearance" means a physician or other health care  
26 provider has determined that a person is medically stable and ready  
27 for referral to the designated crisis responder;

28 (34) "Mental disorder" means any organic, mental, or emotional  
29 impairment which has substantial adverse effects on a person's  
30 cognitive or volitional functions;

31 (35) "Mental health professional" means a psychiatrist,  
32 psychologist, physician assistant working with a supervising  
33 psychiatrist, psychiatric advanced registered nurse practitioner,  
34 psychiatric nurse, or social worker, and such other mental health  
35 professionals as may be defined by rules adopted by the secretary  
36 pursuant to the provisions of this chapter;

37 (36) "Mental health service provider" means a public or private  
38 agency that provides mental health services to persons with mental  
39 disorders or substance use disorders as defined under this section  
40 and receives funding from public sources. This includes, but is not

1 limited to, hospitals licensed under chapter 70.41 RCW, evaluation  
2 and treatment facilities as defined in this section, community mental  
3 health service delivery systems or behavioral health programs as  
4 defined in RCW 71.24.025, facilities conducting competency  
5 evaluations and restoration under chapter 10.77 RCW, approved  
6 substance use disorder treatment programs as defined in this section,  
7 secure detoxification facilities as defined in this section, and  
8 correctional facilities operated by state and local governments;

9 (37) "Peace officer" means a law enforcement official of a public  
10 agency or governmental unit, and includes persons specifically given  
11 peace officer powers by any state law, local ordinance, or judicial  
12 order of appointment;

13 (38) "Physician assistant" means a person licensed as a physician  
14 assistant under chapter 18.57A or 18.71A RCW;

15 (39) "Private agency" means any person, partnership, corporation,  
16 or association that is not a public agency, whether or not financed  
17 in whole or in part by public funds, which constitutes an evaluation  
18 and treatment facility or private institution, or hospital, or  
19 approved substance use disorder treatment program, which is conducted  
20 for, or includes a department or ward conducted for, the care and  
21 treatment of persons with mental illness, substance use disorders, or  
22 both mental illness and substance use disorders;

23 (40) "Professional person" means a mental health professional,  
24 chemical dependency professional, or designated crisis responder and  
25 shall also mean a physician, physician assistant, psychiatric  
26 advanced registered nurse practitioner, registered nurse, and such  
27 others as may be defined by rules adopted by the secretary pursuant  
28 to the provisions of this chapter;

29 (41) "Psychiatric advanced registered nurse practitioner" means a  
30 person who is licensed as an advanced registered nurse practitioner  
31 pursuant to chapter 18.79 RCW; and who is board certified in advanced  
32 practice psychiatric and mental health nursing;

33 (42) "Psychiatrist" means a person having a license as a  
34 physician and surgeon in this state who has in addition completed  
35 three years of graduate training in psychiatry in a program approved  
36 by the American medical association or the American osteopathic  
37 association and is certified or eligible to be certified by the  
38 American board of psychiatry and neurology;

39 (43) "Psychologist" means a person who has been licensed as a  
40 psychologist pursuant to chapter 18.83 RCW;



1 (44) "Public agency" means any evaluation and treatment facility  
2 or institution, secure detoxification facility, approved substance  
3 use disorder treatment program, or hospital which is conducted for,  
4 or includes a department or ward conducted for, the care and  
5 treatment of persons with mental illness, substance use disorders, or  
6 both mental illness and substance use disorders, if the agency is  
7 operated directly by federal, state, county, or municipal government,  
8 or a combination of such governments;

9 (45) "Registration records" include all the records of the  
10 department, behavioral health organizations, treatment facilities,  
11 and other persons providing services to the department, county  
12 departments, or facilities which identify persons who are receiving  
13 or who at any time have received services for mental illness or  
14 substance use disorders;

15 (46) "Release" means legal termination of the commitment under  
16 the provisions of this chapter;

17 (47) "Resource management services" has the meaning given in  
18 chapter 71.24 RCW;

19 (48) "Secretary" means the secretary of the department of social  
20 and health services, or his or her designee;

21 (49) "Secure detoxification facility" means a facility operated  
22 by either a public or private agency or by the program of an agency  
23 that:

24 (a) Provides for intoxicated persons:

25 (i) Evaluation and assessment, provided by certified chemical  
26 dependency professionals;

27 (ii) Acute or subacute detoxification services; and

28 (iii) Discharge assistance provided by certified chemical  
29 dependency professionals, including facilitating transitions to  
30 appropriate voluntary or involuntary inpatient services or to less  
31 restrictive alternatives as appropriate for the individual;

32 (b) Includes security measures sufficient to protect the  
33 patients, staff, and community; and

34 (c) Is certified as such by the department;

35 (50) "Serious violent offense" has the same meaning as provided  
36 in RCW 9.94A.030;

37 (51) "Social worker" means a person with a master's or further  
38 advanced degree from a social work educational program accredited and  
39 approved as provided in RCW 18.320.010;

1 (52) "Substance use disorder" means a cluster of cognitive,  
2 behavioral, and physiological symptoms indicating that an individual  
3 continues using the substance despite significant substance-related  
4 problems. The diagnosis of a substance use disorder is based on a  
5 pathological pattern of behaviors related to the use of the  
6 substances;

7 (53) "Therapeutic court personnel" means the staff of a mental  
8 health court or other therapeutic court which has jurisdiction over  
9 defendants who are dually diagnosed with mental disorders, including  
10 court personnel, probation officers, a court monitor, prosecuting  
11 attorney, or defense counsel acting within the scope of therapeutic  
12 court duties;

13 (54) "Treatment records" include registration and all other  
14 records concerning persons who are receiving or who at any time have  
15 received services for mental illness, which are maintained by the  
16 department, by behavioral health organizations and their staffs, and  
17 by treatment facilities. Treatment records include mental health  
18 information contained in a medical bill including but not limited to  
19 mental health drugs, a mental health diagnosis, provider name, and  
20 dates of service stemming from a medical service. Treatment records  
21 do not include notes or records maintained for personal use by a  
22 person providing treatment services for the department, behavioral  
23 health organizations, or a treatment facility if the notes or records  
24 are not available to others;

25 (55) "Triage facility" means a short-term facility or a portion  
26 of a facility licensed by the department of health and certified by  
27 the department of social and health services under RCW 71.24.035,  
28 which is designed as a facility to assess and stabilize an individual  
29 or determine the need for involuntary commitment of an individual,  
30 and must meet department of health residential treatment facility  
31 standards. A triage facility may be structured as a voluntary or  
32 involuntary placement facility;

33 (56) "Violent act" means behavior that resulted in homicide,  
34 attempted suicide, nonfatal injuries, or substantial damage to  
35 property.

36 **Sec. 2.** RCW 71.05.585 and 2016 sp.s. c 29 s 241 and 2016 c 45 s  
37 5 are each reenacted and amended to read as follows:

38 (1) Less restrictive alternative treatment, at a minimum,  
39 includes the following services:

1 (a) Assignment of a care coordinator;  
2 (b) An intake evaluation with the provider of the less  
3 restrictive alternative treatment;  
4 (c) A psychiatric evaluation;  
5 (d) ~~((Medication management;~~  
6 ~~(+e+))~~ A schedule of regular contacts with the provider of the  
7 less restrictive alternative treatment services for the duration of  
8 the order;  
9 ~~((+f+))~~ (e) A transition plan addressing access to continued  
10 services at the expiration of the order; ~~((and~~  
11 ~~(+g+))~~ (f) An individual crisis plan; and  
12 (g) Notification to the care coordinator assigned in (a) of this  
13 subsection if reasonable efforts to engage the client fail to produce  
14 substantial compliance with court-ordered treatment conditions.

15 (2) Less restrictive alternative treatment may additionally  
16 include requirements to participate in the following services:

17 (a) Medication management;  
18 (b) Psychotherapy;  
19 ~~((+b+))~~ (c) Nursing;  
20 ~~((+e+))~~ (d) Substance abuse counseling;  
21 ~~((+d+))~~ (e) Residential treatment; and  
22 ~~((+e+))~~ (f) Support for housing, benefits, education, and  
23 employment.

24 (3) Less restrictive alternative treatment must be administered  
25 by a provider that is certified or licensed to provide or coordinate  
26 the full scope of services required under the less restrictive  
27 alternative order and that has agreed to assume this responsibility.

28 (4) The care coordinator assigned to a person ordered to less  
29 restrictive alternative treatment must submit an individualized plan  
30 for the person's treatment services to the court that entered the  
31 order. An initial plan must be submitted as soon as possible  
32 following the intake evaluation and a revised plan must be submitted  
33 upon any subsequent modification in which a type of service is  
34 removed from or added to the treatment plan.

35 (5) For the purpose of this section, "care coordinator" means a  
36 clinical practitioner who coordinates the activities of less  
37 restrictive alternative treatment. The care coordinator coordinates  
38 activities with the designated crisis responders that are necessary  
39 for enforcement and continuation of less restrictive alternative  
40 orders and is responsible for coordinating service activities with

1 other agencies and establishing and maintaining a therapeutic  
2 relationship with the individual on a continuing basis.

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

5 This section establishes a process for initial evaluation and  
6 filing of a petition for assisted outpatient behavioral health  
7 treatment, but however does not preclude the filing of a petition for  
8 assisted outpatient behavioral health treatment following a period of  
9 inpatient detention in appropriate circumstances:

10 (1) The designated crisis responder must personally interview the  
11 person, unless the person refuses an interview, and determine whether  
12 the person will voluntarily receive appropriate evaluation and  
13 treatment at a mental health facility, secure detoxification  
14 facility, or approved substance use disorder treatment program.

15 (2) The designated crisis responder must investigate and evaluate  
16 the specific facts alleged and the reliability or credibility of any  
17 person providing information. The designated crisis responder may  
18 spend up to forty-eight hours to complete the investigation, provided  
19 that the person may not be held for investigation for any period  
20 except as authorized by RCW 71.05.050 or 71.05.153.

21 (3) If the designated crisis responder finds that the person is  
22 in need of assisted outpatient behavioral health treatment, they may  
23 file a petition requesting the court to enter an order for up to  
24 ninety days less restrictive alternative treatment. The petition must  
25 include:

26 (a) A statement of the circumstances under which the person's  
27 condition was made known and stating that there is evidence, as a  
28 result of the designated crisis responder's personal observation or  
29 investigation, that the person is in need of assisted outpatient  
30 behavioral health treatment, and stating the specific facts known as  
31 a result of personal observation or investigation, upon which the  
32 designated crisis responder bases this belief;

33 (b) The declaration of additional witnesses, if any, supporting  
34 the petition for assisted outpatient behavioral health treatment;

35 (c) A designation of retained counsel for the person or, if  
36 counsel is appointed, the name, business address, and telephone  
37 number of the attorney appointed to represent the person;

1 (d) The name of an agency or facility which agreed to assume the  
2 responsibility of providing less restrictive alternative treatment if  
3 the petition is granted by the court;

4 (e) A summons to appear in court at a specific time and place  
5 within five judicial days for a probable cause hearing, except as  
6 provided in subsection (4) of this section.

7 (4) If the person is in the custody of jail or prison at the time  
8 of the investigation, a petition for assisted outpatient behavioral  
9 health treatment may be used to facilitate continuity of care after  
10 release from custody or the diversion of criminal charges as follows:

11 (a) If the petition is filed in anticipation of the person's  
12 release from custody, the summons may be for a date up to five  
13 judicial days following the person's anticipated release date,  
14 provided that a clear time and place for the hearing is provided; or

15 (b) The hearing may be held prior to the person's release from  
16 custody, provided that (i) the filing of the petition does not extend  
17 the time the person would otherwise spend in the custody of jail or  
18 prison; (ii) the charges or custody of the person is not a pretext to  
19 detain the person for the purpose of the involuntary commitment  
20 hearing; and (iii) the person's release from custody must be expected  
21 to swiftly follow the adjudication of the petition. In this  
22 circumstance, the time for hearing is shortened to three judicial  
23 days after the filing of the petition.

24 (5) The petition must be served upon the person and the person's  
25 counsel with a notice of applicable rights. Proof of service must be  
26 filed with the court.

27 (6) A petition for assisted outpatient behavioral health  
28 treatment filed under this section must be adjudicated under RCW  
29 71.05.240.

30 **Sec. 4.** RCW 71.05.150 and 2016 sp.s. c 29 s 210 are each amended  
31 to read as follows:

32 (1)((~~a~~)) When a designated crisis responder receives  
33 information alleging that a person, as a result of a mental disorder,  
34 substance use disorder, or both presents a likelihood of serious harm  
35 or is gravely disabled, or that a person is in need of assisted  
36 outpatient (~~mental~~) behavioral health treatment; the designated  
37 crisis responder may, after investigation and evaluation of the  
38 specific facts alleged and of the reliability and credibility of any  
39 person providing information to initiate detention or involuntary

1 outpatient ((evaluation)) treatment, if satisfied that the  
2 allegations are true and that the person will not voluntarily seek  
3 appropriate treatment, file a petition for initial detention ((or  
4 involuntary outpatient evaluation. If the petition is filed solely on  
5 the grounds that the person is in need of assisted outpatient mental  
6 health treatment, the petition may only be for an involuntary  
7 outpatient evaluation. An involuntary outpatient evaluation may be  
8 conducted by any combination of licensed professionals authorized to  
9 petition for involuntary commitment under RCW 71.05.230 and must  
10 include involvement or consultation with the agency or facility which  
11 will provide monitoring or services under the proposed less  
12 restrictive alternative treatment order. If the petition is for an  
13 involuntary outpatient evaluation and the person is being held in a  
14 hospital emergency department, the person may be released once the  
15 hospital has satisfied federal and state legal requirements for  
16 appropriate screening and stabilization of patients.

17 (b)) under this section or a petition for involuntary outpatient  
18 behavioral health treatment under section 3 of this act. Before  
19 filing the petition, the designated crisis responder must personally  
20 interview the person, unless the person refuses an interview, and  
21 determine whether the person will voluntarily receive appropriate  
22 evaluation and treatment at an evaluation and treatment facility,  
23 crisis stabilization unit, triage facility, or approved substance use  
24 disorder treatment program.

25 (2)(a) An order to detain a person with a mental disorder to a  
26 designated evaluation and treatment facility, or to detain a person  
27 with a substance use disorder to a secure detoxification facility or  
28 approved substance use disorder treatment program, for not more than  
29 a seventy-two-hour evaluation and treatment period(~~(, or an order for~~  
30 ~~an involuntary outpatient evaluation,~~) may be issued by a judge of  
31 the superior court upon request of a designated crisis responder,  
32 subject to (d) of this subsection, whenever it appears to the  
33 satisfaction of a judge of the superior court:

34 (i) That there is probable cause to support the petition; and  
35 (ii) That the person has refused or failed to accept appropriate  
36 evaluation and treatment voluntarily.

37 (b) The petition for initial detention ((~~or involuntary~~  
38 ~~outpatient evaluation~~)), signed under penalty of perjury, or sworn  
39 telephonic testimony may be considered by the court in determining  
40 whether there are sufficient grounds for issuing the order.

1 (c) The order shall designate retained counsel or, if counsel is  
2 appointed from a list provided by the court, the name, business  
3 address, and telephone number of the attorney appointed to represent  
4 the person.

5 (d) A court may not issue an order to detain a person to a secure  
6 detoxification facility or approved substance use disorder treatment  
7 program unless there is an available secure detoxification facility  
8 or approved substance use disorder treatment program that has  
9 adequate space for the person.

10 (3) The designated crisis responder shall then serve or cause to  
11 be served on such person, his or her guardian, and conservator, if  
12 any, a copy of the order together with a notice of rights, and a  
13 petition for initial detention (~~(or involuntary outpatient~~  
14 ~~evaluation)~~). After service on such person the designated crisis  
15 responder shall file the return of service in court and provide  
16 copies of all papers in the court file to the evaluation and  
17 treatment facility, secure detoxification facility, or approved  
18 substance use disorder treatment program, and the designated  
19 attorney. The designated crisis responder shall notify the court and  
20 the prosecuting attorney that a probable cause hearing will be held  
21 within seventy-two hours of the date and time of outpatient  
22 evaluation or admission to the evaluation and treatment facility,  
23 secure detoxification facility, or approved substance use disorder  
24 treatment program. The person shall be permitted to be accompanied by  
25 one or more of his or her relatives, friends, an attorney, a personal  
26 physician, or other professional or religious advisor to the place of  
27 evaluation. An attorney accompanying the person to the place of  
28 evaluation shall be permitted to be present during the admission  
29 evaluation. Any other individual accompanying the person may be  
30 present during the admission evaluation. The facility may exclude the  
31 individual if his or her presence would present a safety risk, delay  
32 the proceedings, or otherwise interfere with the evaluation.

33 (4) The designated crisis responder may notify a peace officer to  
34 take such person or cause such person to be taken into custody and  
35 placed in an evaluation and treatment facility, secure detoxification  
36 facility, or approved substance use disorder treatment program. At  
37 the time such person is taken into custody there shall commence to be  
38 served on such person, his or her guardian, and conservator, if any,  
39 a copy of the original order together with a notice of rights and a  
40 petition for initial detention.

1       **Sec. 5.** RCW 71.05.150 and 2016 sp.s. c 29 s 211 are each amended  
2 to read as follows:

3       (1)~~((a))~~ When a designated crisis responder receives  
4 information alleging that a person, as a result of a mental disorder,  
5 substance use disorder, or both presents a likelihood of serious harm  
6 or is gravely disabled, or that a person is in need of assisted  
7 outpatient ~~((mental))~~ behavioral health treatment; the designated  
8 crisis responder may, after investigation and evaluation of the  
9 specific facts alleged and of the reliability and credibility of any  
10 person providing information to initiate detention or involuntary  
11 outpatient ~~((evaluation))~~ treatment, if satisfied that the  
12 allegations are true and that the person will not voluntarily seek  
13 appropriate treatment, file a petition for initial detention ~~((or~~  
14 ~~involuntary outpatient evaluation. If the petition is filed solely on~~  
15 ~~the grounds that the person is in need of assisted outpatient mental~~  
16 ~~health treatment, the petition may only be for an involuntary~~  
17 ~~outpatient evaluation. An involuntary outpatient evaluation may be~~  
18 ~~conducted by any combination of licensed professionals authorized to~~  
19 ~~petition for involuntary commitment under RCW 71.05.230 and must~~  
20 ~~include involvement or consultation with the agency or facility which~~  
21 ~~will provide monitoring or services under the proposed less~~  
22 ~~restrictive alternative treatment order. If the petition is for an~~  
23 ~~involuntary outpatient evaluation and the person is being held in a~~  
24 ~~hospital emergency department, the person may be released once the~~  
25 ~~hospital has satisfied federal and state legal requirements for~~  
26 ~~appropriate screening and stabilization of patients.~~

27       ~~(b))~~ under this section or a petition for involuntary outpatient  
28 behavioral health treatment under section 3 of this act. Before  
29 filing the petition, the designated crisis responder must personally  
30 interview the person, unless the person refuses an interview, and  
31 determine whether the person will voluntarily receive appropriate  
32 evaluation and treatment at an evaluation and treatment facility,  
33 crisis stabilization unit, triage facility, or approved substance use  
34 disorder treatment program.

35       (2)(a) An order to detain a person with a mental disorder to a  
36 designated evaluation and treatment facility, or to detain a person  
37 with a substance use disorder to a secure detoxification facility or  
38 approved substance use disorder treatment program, for not more than  
39 a seventy-two-hour evaluation and treatment period~~((, or an order for~~  
40 ~~an involuntary outpatient evaluation,))~~ may be issued by a judge of



1 the superior court upon request of a designated crisis responder  
2 whenever it appears to the satisfaction of a judge of the superior  
3 court:

4 (i) That there is probable cause to support the petition; and

5 (ii) That the person has refused or failed to accept appropriate  
6 evaluation and treatment voluntarily.

7 (b) The petition for initial detention (~~or involuntary~~  
8 ~~outpatient evaluation~~)), signed under penalty of perjury, or sworn  
9 telephonic testimony may be considered by the court in determining  
10 whether there are sufficient grounds for issuing the order.

11 (c) The order shall designate retained counsel or, if counsel is  
12 appointed from a list provided by the court, the name, business  
13 address, and telephone number of the attorney appointed to represent  
14 the person.

15 (3) The designated crisis responder shall then serve or cause to  
16 be served on such person, his or her guardian, and conservator, if  
17 any, a copy of the order together with a notice of rights, and a  
18 petition for initial detention (~~or involuntary outpatient~~  
19 ~~evaluation~~)). After service on such person the designated crisis  
20 responder shall file the return of service in court and provide  
21 copies of all papers in the court file to the evaluation and  
22 treatment facility, secure detoxification facility, or approved  
23 substance use disorder treatment program, and the designated  
24 attorney. The designated crisis responder shall notify the court and  
25 the prosecuting attorney that a probable cause hearing will be held  
26 within seventy-two hours of the date and time of outpatient  
27 evaluation or admission to the evaluation and treatment facility,  
28 secure detoxification facility, or approved substance use disorder  
29 treatment program. The person shall be permitted to be accompanied by  
30 one or more of his or her relatives, friends, an attorney, a personal  
31 physician, or other professional or religious advisor to the place of  
32 evaluation. An attorney accompanying the person to the place of  
33 evaluation shall be permitted to be present during the admission  
34 evaluation. Any other individual accompanying the person may be  
35 present during the admission evaluation. The facility may exclude the  
36 individual if his or her presence would present a safety risk, delay  
37 the proceedings, or otherwise interfere with the evaluation.

38 (4) The designated crisis responder may notify a peace officer to  
39 take such person or cause such person to be taken into custody and  
40 placed in an evaluation and treatment facility, secure detoxification

1 facility, or approved substance use disorder treatment program. At  
2 the time such person is taken into custody there shall commence to be  
3 served on such person, his or her guardian, and conservator, if any,  
4 a copy of the original order together with a notice of rights and a  
5 petition for initial detention.

6 **Sec. 6.** RCW 71.05.230 and 2017 3rd sp.s. c 14 s 17 are each  
7 amended to read as follows:

8 A person detained (~~or committed~~) for seventy-two hour  
9 evaluation and treatment (~~or for an outpatient evaluation for the~~  
10 ~~purpose of filing a petition for a less restrictive alternative~~  
11 ~~treatment order~~) may be committed for not more than fourteen  
12 additional days of involuntary intensive treatment or ninety  
13 additional days of a less restrictive alternative (~~to involuntary~~  
14 ~~intensive~~) treatment. A petition may only be filed if the following  
15 conditions are met:

16 (1) The professional staff of the (~~agency or~~) facility  
17 providing evaluation services has analyzed the person's condition and  
18 finds that the condition is caused by mental disorder or substance  
19 use disorder and results in a likelihood of serious harm, results in  
20 the person being gravely disabled, or results in the person being in  
21 need of assisted outpatient (~~mental~~) behavioral health treatment,  
22 and are prepared to testify those conditions are met; and

23 (2) The person has been advised of the need for voluntary  
24 treatment and the professional staff of the facility has evidence  
25 that he or she has not in good faith volunteered; and

26 (3) The (~~agency or~~) facility providing intensive treatment (~~or~~  
27 ~~which proposes to supervise the less restrictive alternative~~) is  
28 certified to provide such treatment by the department; and

29 (4)(a)(i) The professional staff of the (~~agency or~~) facility or  
30 the designated crisis responder has filed a petition with the court  
31 for a fourteen day involuntary detention or a ninety day less  
32 restrictive alternative. The petition must be signed by:

33 (A) One physician, physician assistant, or psychiatric advanced  
34 registered nurse practitioner; and

35 (B) One physician, physician assistant, psychiatric advanced  
36 registered nurse practitioner, or mental health professional.

37 (ii) If the petition is for substance use disorder treatment, the  
38 petition may be signed by a chemical dependency professional instead  
39 of a mental health professional and by an advanced registered nurse

1 practitioner instead of a psychiatric advanced registered nurse  
2 practitioner. The persons signing the petition must have examined the  
3 person.

4 (b) If involuntary detention is sought the petition shall state  
5 facts that support the finding that such person, as a result of a  
6 mental disorder or substance use disorder, presents a likelihood of  
7 serious harm, or is gravely disabled and that there are no less  
8 restrictive alternatives to detention in the best interest of such  
9 person or others. The petition shall state specifically that less  
10 restrictive alternative treatment was considered and specify why  
11 treatment less restrictive than detention is not appropriate. If an  
12 involuntary less restrictive alternative is sought, the petition  
13 shall state facts that support the finding that such person, as a  
14 result of a mental disorder or as a result of a substance use  
15 disorder, presents a likelihood of serious harm, is gravely disabled,  
16 or is in need of assisted outpatient (~~(mental)~~) behavioral health  
17 treatment, and shall set forth any recommendations for less  
18 restrictive alternative treatment services; and

19 (5) A copy of the petition has been served on the detained (~~(or~~  
20 ~~committed)~~) person, his or her attorney and his or her guardian or  
21 conservator, if any, prior to the probable cause hearing; and

22 (6) The court at the time the petition was filed and before the  
23 probable cause hearing has appointed counsel to represent such person  
24 if no other counsel has appeared; and

25 (7) The petition reflects that the person was informed of the  
26 loss of firearm rights if involuntarily committed for mental health  
27 treatment; and

28 (8) At the conclusion of the initial commitment period, the  
29 professional staff of the agency or facility or the designated crisis  
30 responder may petition for an additional period of either ninety days  
31 of less restrictive alternative treatment or ninety days of  
32 involuntary intensive treatment as provided in RCW 71.05.290; and

33 (9) If the hospital or facility designated to provide less  
34 restrictive alternative treatment is other than the facility  
35 providing involuntary treatment, the outpatient facility so  
36 designated to provide less restrictive alternative treatment has  
37 agreed to assume such responsibility.

38 **Sec. 7.** RCW 71.05.240 and 2016 sp.s. c 29 s 232 and 2016 c 45 s  
39 2 are each reenacted and amended to read as follows:

1 (1) If a petition is filed for fourteen day involuntary treatment  
2 or ninety days of less restrictive alternative treatment, the court  
3 shall hold a probable cause hearing within seventy-two hours of the  
4 initial detention (~~(or involuntary outpatient evaluation)~~) of such  
5 person as determined in RCW 71.05.180, or at a time determined under  
6 section 3 of this act. If requested by the person or his or her  
7 attorney, the hearing may be postponed for a period not to exceed  
8 forty-eight hours. The hearing may also be continued subject to the  
9 conditions set forth in RCW 71.05.210 or subject to the petitioner's  
10 showing of good cause for a period not to exceed twenty-four hours.

11 (2) If the petition is for mental health treatment, the court at  
12 the time of the probable cause hearing and before an order of  
13 commitment is entered shall inform the person both orally and in  
14 writing that the failure to make a good faith effort to seek  
15 voluntary treatment as provided in RCW 71.05.230 will result in the  
16 loss of his or her firearm rights if the person is subsequently  
17 detained for involuntary treatment under this section.

18 (3)(a) Subject to (b) of this subsection, at the conclusion of  
19 the probable cause hearing, if the court finds by a preponderance of  
20 the evidence that such person, as the result of a mental disorder or  
21 substance use disorder, presents a likelihood of serious harm, or is  
22 gravely disabled, and, after considering less restrictive  
23 alternatives to involuntary detention and treatment, finds that no  
24 such alternatives are in the best interests of such person or others,  
25 the court shall order that such person be detained for involuntary  
26 treatment not to exceed fourteen days in a facility certified to  
27 provide treatment by the department.

28 (b) Commitment for up to fourteen days based on a substance use  
29 disorder must be to either a secure detoxification facility or an  
30 approved substance use disorder treatment program. A court may only  
31 enter a commitment order based on a substance use disorder if there  
32 is an available secure detoxification facility or approved substance  
33 use disorder treatment program with adequate space for the person.

34 (c) At the conclusion of the probable cause hearing, if the court  
35 finds by a preponderance of the evidence that such person, as the  
36 result of a mental disorder or substance use disorder, presents a  
37 likelihood of serious harm, or is gravely disabled, but that  
38 treatment in a less restrictive setting than detention is in the best  
39 interest of such person or others, the court shall order an

1 appropriate less restrictive alternative course of treatment for not  
2 to exceed ninety days.

3 (d) If the court finds by a preponderance of the evidence that  
4 such person, as the result of a mental disorder or substance use  
5 disorder, is in need of assisted outpatient (~~(mental)~~) behavioral  
6 health treatment, and that the person does not present a likelihood  
7 of serious harm or grave disability, the court shall order an  
8 appropriate less restrictive alternative course of treatment not to  
9 exceed ninety days(~~(, and may not order inpatient treatment)~~).

10 ((~~e~~)) (4) An order for less restrictive alternative treatment  
11 must name the mental health service provider responsible for  
12 identifying the services the person will receive in accordance with  
13 RCW 71.05.585, and must include a requirement that the person  
14 cooperate with the services planned by the mental health service  
15 provider.

16 ((~~4~~)) (5) The court shall specifically state to such person and  
17 give such person notice in writing that if involuntary treatment  
18 beyond the fourteen day period or beyond the ninety days of less  
19 restrictive treatment is to be sought, such person will have the  
20 right to a full hearing or jury trial as required by RCW 71.05.310.  
21 If the commitment is for mental health treatment, the court shall  
22 also state to the person and provide written notice that the person  
23 is barred from the possession of firearms and that the prohibition  
24 remains in effect until a court restores his or her right to possess  
25 a firearm under RCW 9.41.047.

26 **Sec. 8.** RCW 71.05.240 and 2016 sp.s. c 29 s 233 are each amended  
27 to read as follows:

28 (1) If a petition is filed for fourteen day involuntary treatment  
29 or ninety days of less restrictive alternative treatment, the court  
30 shall hold a probable cause hearing within seventy-two hours of the  
31 initial detention (~~(or involuntary outpatient evaluation)~~) of such  
32 person as determined in RCW 71.05.180, or at a time determined under  
33 section 3 of this act. If requested by the person or his or her  
34 attorney, the hearing may be postponed for a period not to exceed  
35 forty-eight hours. The hearing may also be continued subject to the  
36 conditions set forth in RCW 71.05.210 or subject to the petitioner's  
37 showing of good cause for a period not to exceed twenty-four hours.

38 (2) If the petition is for mental health treatment, the court at  
39 the time of the probable cause hearing and before an order of

1 commitment is entered shall inform the person both orally and in  
2 writing that the failure to make a good faith effort to seek  
3 voluntary treatment as provided in RCW 71.05.230 will result in the  
4 loss of his or her firearm rights if the person is subsequently  
5 detained for involuntary treatment under this section.

6 (3)(a) Subject to (b) of this subsection, at the conclusion of  
7 the probable cause hearing, if the court finds by a preponderance of  
8 the evidence that such person, as the result of a mental disorder or  
9 substance use disorder, presents a likelihood of serious harm, or is  
10 gravely disabled, and, after considering less restrictive  
11 alternatives to involuntary detention and treatment, finds that no  
12 such alternatives are in the best interests of such person or others,  
13 the court shall order that such person be detained for involuntary  
14 treatment not to exceed fourteen days in a facility certified to  
15 provide treatment by the department.

16 (b) Commitment for up to fourteen days based on a substance use  
17 disorder must be to either a secure detoxification facility or an  
18 approved substance use disorder treatment program.

19 (c) At the conclusion of the probable cause hearing, if the court  
20 finds by a preponderance of the evidence that such person, as the  
21 result of a mental disorder or substance use disorder, presents a  
22 likelihood of serious harm, or is gravely disabled, but that  
23 treatment in a less restrictive setting than detention is in the best  
24 interest of such person or others, the court shall order an  
25 appropriate less restrictive alternative course of treatment for not  
26 to exceed ninety days.

27 (d) If the court finds by a preponderance of the evidence that  
28 such person, as the result of a mental disorder or substance use  
29 disorder, is in need of assisted outpatient (~~((mental))~~) behavioral  
30 health treatment, and that the person does not present a likelihood  
31 of serious harm or grave disability, the court shall order an  
32 appropriate less restrictive alternative course of treatment not to  
33 exceed ninety days(~~(, and may not order inpatient treatment))~~).

34 ~~((e))~~ (4) An order for less restrictive alternative treatment  
35 must name the mental health service provider responsible for  
36 identifying the services the person will receive in accordance with  
37 RCW 71.05.585, and must include a requirement that the person  
38 cooperate with the services planned by the mental health service  
39 provider.

1        (~~(4)~~) (5) The court shall specifically state to such person and  
2 give such person notice in writing that if involuntary treatment  
3 beyond the fourteen day period or beyond the ninety days of less  
4 restrictive treatment is to be sought, such person will have the  
5 right to a full hearing or jury trial as required by RCW 71.05.310.  
6 If the commitment is for mental health treatment, the court shall  
7 also state to the person and provide written notice that the person  
8 is barred from the possession of firearms and that the prohibition  
9 remains in effect until a court restores his or her right to possess  
10 a firearm under RCW 9.41.047.

11        **Sec. 9.** RCW 71.05.590 and 2017 3rd sp.s. c 14 s 9 are each  
12 amended to read as follows:

13        (1) Either an agency or facility designated to monitor or provide  
14 services under a less restrictive alternative order or conditional  
15 release order, or a designated crisis responder, may take action to  
16 enforce, modify, or revoke a less restrictive alternative or  
17 conditional release order. The agency, facility, or designated crisis  
18 responder must determine that:

19        (a) The person is failing to adhere to the terms and conditions  
20 of the court order;

21        (b) Substantial deterioration in the person's functioning has  
22 occurred;

23        (c) There is evidence of substantial decompensation with a  
24 reasonable probability that the decompensation can be reversed by  
25 further evaluation, intervention, or treatment; or

26        (d) The person poses a likelihood of serious harm.

27        (2) Actions taken under this section must include a flexible  
28 range of responses of varying levels of intensity appropriate to the  
29 circumstances and consistent with the interests of the individual and  
30 the public in personal autonomy, safety, recovery, and compliance.  
31 Available actions may include, but are not limited to, any of the  
32 following:

33        (a) To counsel or advise the person as to their rights and  
34 responsibilities under the court order, and to offer appropriate  
35 incentives to motivate compliance;

36        (b) To increase the intensity of outpatient services provided to  
37 the person by increasing the frequency of contacts with the provider,  
38 referring the person for an assessment for assertive community  
39 services, or by other means;

1 (c) To request a court hearing for review and modification of the  
2 court order. The request must be made to the court with jurisdiction  
3 over the order and specify the circumstances that give rise to the  
4 request and what modification is being sought. The county prosecutor  
5 shall assist the agency or facility in requesting this hearing and  
6 issuing an appropriate summons to the person. This subsection does  
7 not limit the inherent authority of a treatment provider to alter  
8 conditions of treatment for clinical reasons, and is intended to be  
9 used only when court intervention is necessary or advisable to secure  
10 the person's compliance and prevent decompensation or deterioration;

11 (d) To cause the person to be transported by a peace officer,  
12 designated crisis responder, or other means to the agency or facility  
13 monitoring or providing services under the court order, or to a  
14 triage facility, crisis stabilization unit, emergency department, or  
15 to an evaluation and treatment facility if the person is committed  
16 for mental health treatment, or to a secure detoxification facility  
17 with available space or an approved substance use disorder treatment  
18 program with available space if the person is committed for substance  
19 use disorder treatment. The person may be detained at the facility  
20 for up to twelve hours for the purpose of an evaluation to determine  
21 whether modification, revocation, or commitment proceedings are  
22 necessary and appropriate to stabilize the person and prevent  
23 decompensation, deterioration, or physical harm. Temporary detention  
24 for evaluation under this subsection is intended to occur only  
25 following a pattern of noncompliance or the failure of reasonable  
26 attempts at outreach and engagement, and may occur only when in the  
27 clinical judgment of a designated crisis responder or the  
28 professional person in charge of an agency or facility designated to  
29 monitor less restrictive alternative services temporary detention is  
30 appropriate. This subsection does not limit the ability or obligation  
31 to pursue revocation procedures under subsection (4) of this section  
32 in appropriate circumstances; and

33 (e) To initiate revocation procedures under subsection (4) of  
34 this section or, if the current commitment is solely based on the  
35 person being in need of assisted outpatient behavioral health  
36 treatment as defined in RCW 71.05.020, initiate initial inpatient  
37 detention procedures under subsection (6) of this section.

38 (3) The facility or agency designated to provide outpatient  
39 treatment shall notify the secretary or designated crisis responder  
40 when a person fails to adhere to terms and conditions of court



1 ordered treatment or experiences substantial deterioration in his or  
2 her condition and, as a result, presents an increased likelihood of  
3 serious harm.

4 (4)(a) Except as provided in subsection (6) of this section, a  
5 designated crisis responder or the secretary may upon their own  
6 motion or notification by the facility or agency designated to  
7 provide outpatient care order a person subject to a court order under  
8 this chapter to be apprehended and taken into custody and temporary  
9 detention in an evaluation and treatment facility in or near the  
10 county in which he or she is receiving outpatient treatment if the  
11 person is committed for mental health treatment, or, if the person is  
12 committed for substance use disorder treatment, in a secure  
13 detoxification facility or approved substance use disorder treatment  
14 program if either is available in or near the county in which he or  
15 she is receiving outpatient treatment and has adequate space.  
16 Proceedings under this subsection (4) may be initiated without  
17 ordering the apprehension and detention of the person.

18 (b) Except as provided in subsection (6) of this section, a  
19 person detained under this subsection (4) must be held until such  
20 time, not exceeding five days, as a hearing can be scheduled to  
21 determine whether or not the person should be returned to the  
22 hospital or facility from which he or she had been released. If the  
23 person is not detained, the hearing must be scheduled within five  
24 days of service on the person. The designated crisis responder or the  
25 secretary may modify or rescind the order at any time prior to  
26 commencement of the court hearing.

27 (c) The designated crisis responder or secretary shall file a  
28 revocation petition and order of apprehension and detention with the  
29 court of the county where the person is currently located or being  
30 detained. The designated crisis responder shall serve the person and  
31 their attorney, guardian, and conservator, if any. The person has the  
32 same rights with respect to notice, hearing, and counsel as in any  
33 involuntary treatment proceeding, except as specifically set forth in  
34 this section. There is no right to jury trial. The venue for  
35 proceedings is the county where the petition is filed. Notice of the  
36 filing must be provided to the court that originally ordered  
37 commitment, if different from the court where the petition for  
38 revocation is filed, within two judicial days of the person's  
39 detention.

1       (d) Except as provided in subsection (6) of this section, the  
2 issues for the court to determine are whether: (i) The person adhered  
3 to the terms and conditions of the court order; (ii) substantial  
4 deterioration in the person's functioning has occurred; (iii) there  
5 is evidence of substantial decompensation with a reasonable  
6 probability that the decompensation can be reversed by further  
7 inpatient treatment; or (iv) there is a likelihood of serious harm;  
8 and, if any of the above conditions apply, whether the court should  
9 reinstate or modify the person's less restrictive alternative or  
10 conditional release order or order the person's detention for  
11 inpatient treatment. The person may waive the court hearing and allow  
12 the court to enter a stipulated order upon the agreement of all  
13 parties. If the court orders detention for inpatient treatment, the  
14 treatment period may be for no longer than the period authorized in  
15 the original court order. A court may not issue an order to detain a  
16 person for inpatient treatment in a secure detoxification facility or  
17 approved substance use disorder treatment program under this  
18 subsection unless there is a secure detoxification facility or  
19 approved substance use disorder treatment program available and with  
20 adequate space for the person.

21       (~~(e) Revocation proceedings under this subsection (4) are not~~  
22 ~~allowable if the current commitment is solely based on the person~~  
23 ~~being in need of assisted outpatient mental health treatment. In~~  
24 ~~order to obtain a court order for detention for inpatient treatment~~  
25 ~~under this circumstance, a petition must be filed under RCW 71.05.150~~  
26 ~~or 71.05.153.))~~

27       (5) In determining whether or not to take action under this  
28 section the designated crisis responder, agency, or facility must  
29 consider the factors specified under RCW 71.05.212 and the court must  
30 consider the factors specified under RCW 71.05.245 as they apply to  
31 the question of whether to enforce, modify, or revoke a court order  
32 for involuntary treatment.

33       (6)(a) If the current commitment is solely based on the person  
34 being in need of assisted outpatient behavioral health treatment as  
35 defined in RCW 71.05.020, a designated crisis responder may initiate  
36 inpatient detention procedures under RCW 71.05.150 or 71.05.153 when  
37 appropriate. A designated crisis responder or the secretary may, upon  
38 their own motion or notification by the facility or agency designated  
39 to provide outpatient care to a person subject to a less restrictive  
40 alternative treatment order under RCW 71.05.320 subsequent to an

1 order for assisted outpatient behavioral health treatment entered  
2 under section 3 of this act, order the person to be apprehended and  
3 taken into custody and temporary detention for inpatient evaluation  
4 in an evaluation and treatment facility in or near the county in  
5 which he or she is receiving outpatient treatment if the person is  
6 committed for mental health treatment, or, if the person is committed  
7 for substance use disorder treatment, in a secure detoxification  
8 facility or approved substance use disorder treatment program if  
9 either is available in or near the county in which he or she is  
10 receiving outpatient treatment. Proceedings under this subsection may  
11 be initiated without ordering the apprehension and detention of the  
12 person.

13 (b) A person detained under this subsection may be held for  
14 evaluation for up to seventy-two hours, excluding weekends and  
15 holidays, pending a court hearing. If the person is not detained, the  
16 hearing must be scheduled within seventy-two hours of service on the  
17 person. The designated crisis responder or the secretary may modify  
18 or rescind the order at any time prior to commencement of the court  
19 hearing.

20 (c) The issues for the court to determine are whether to continue  
21 the detention of the person for inpatient treatment or whether the  
22 court should reinstate or modify the person's less restrictive  
23 alternative order or order the person's detention for inpatient  
24 treatment. To continue detention after the seventy-two hour period,  
25 the court must find that the person, as a result of a mental disorder  
26 or substance use disorder, presents a likelihood of serious harm or  
27 is gravely disabled and, after considering less restrictive  
28 alternatives to involuntary detention and treatment, that no such  
29 alternatives are in the best interest of the person or others.

30 (d) A court may not issue an order to detain a person for  
31 inpatient treatment in a secure detoxification facility or approved  
32 substance use disorder program under this subsection unless there is  
33 a secure detoxification facility or approved substance use disorder  
34 treatment program available and with adequate space for the person.

35 **Sec. 10.** RCW 71.05.590 and 2017 3rd sp.s. c 14 s 10 are each  
36 amended to read as follows:

37 (1) Either an agency or facility designated to monitor or provide  
38 services under a less restrictive alternative order or conditional  
39 release order, or a designated crisis responder, may take action to

1 enforce, modify, or revoke a less restrictive alternative or  
2 conditional release order. The agency, facility, or designated crisis  
3 responder must determine that:

4 (a) The person is failing to adhere to the terms and conditions  
5 of the court order;

6 (b) Substantial deterioration in the person's functioning has  
7 occurred;

8 (c) There is evidence of substantial decompensation with a  
9 reasonable probability that the decompensation can be reversed by  
10 further evaluation, intervention, or treatment; or

11 (d) The person poses a likelihood of serious harm.

12 (2) Actions taken under this section must include a flexible  
13 range of responses of varying levels of intensity appropriate to the  
14 circumstances and consistent with the interests of the individual and  
15 the public in personal autonomy, safety, recovery, and compliance.  
16 Available actions may include, but are not limited to, any of the  
17 following:

18 (a) To counsel or advise the person as to their rights and  
19 responsibilities under the court order, and to offer appropriate  
20 incentives to motivate compliance;

21 (b) To increase the intensity of outpatient services provided to  
22 the person by increasing the frequency of contacts with the provider,  
23 referring the person for an assessment for assertive community  
24 services, or by other means;

25 (c) To request a court hearing for review and modification of the  
26 court order. The request must be made to the court with jurisdiction  
27 over the order and specify the circumstances that give rise to the  
28 request and what modification is being sought. The county prosecutor  
29 shall assist the agency or facility in requesting this hearing and  
30 issuing an appropriate summons to the person. This subsection does  
31 not limit the inherent authority of a treatment provider to alter  
32 conditions of treatment for clinical reasons, and is intended to be  
33 used only when court intervention is necessary or advisable to secure  
34 the person's compliance and prevent decompensation or deterioration;

35 (d) To cause the person to be transported by a peace officer,  
36 designated crisis responder, or other means to the agency or facility  
37 monitoring or providing services under the court order, or to a  
38 triage facility, crisis stabilization unit, emergency department, or  
39 to an evaluation and treatment facility if the person is committed  
40 for mental health treatment, or to a secure detoxification facility

1 or an approved substance use disorder treatment program if the person  
2 is committed for substance use disorder treatment. The person may be  
3 detained at the facility for up to twelve hours for the purpose of an  
4 evaluation to determine whether modification, revocation, or  
5 commitment proceedings are necessary and appropriate to stabilize the  
6 person and prevent decompensation, deterioration, or physical harm.  
7 Temporary detention for evaluation under this subsection is intended  
8 to occur only following a pattern of noncompliance or the failure of  
9 reasonable attempts at outreach and engagement, and may occur only  
10 when in the clinical judgment of a designated crisis responder or the  
11 professional person in charge of an agency or facility designated to  
12 monitor less restrictive alternative services temporary detention is  
13 appropriate. This subsection does not limit the ability or obligation  
14 to pursue revocation procedures under subsection (4) of this section  
15 in appropriate circumstances; and

16 (e) To initiate revocation procedures under subsection (4) of  
17 this section or, if the current commitment is solely based on the  
18 person being in need of assisted outpatient behavioral health  
19 treatment as defined in RCW 71.05.020, initial inpatient detention  
20 procedures under subsection (6) of this section.

21 (3) The facility or agency designated to provide outpatient  
22 treatment shall notify the secretary or designated crisis responder  
23 when a person fails to adhere to terms and conditions of court  
24 ordered treatment or experiences substantial deterioration in his or  
25 her condition and, as a result, presents an increased likelihood of  
26 serious harm.

27 (4)(a) Except as provided in subsection (6) of this section, a  
28 designated crisis responder or the secretary may upon their own  
29 motion or notification by the facility or agency designated to  
30 provide outpatient care order a person subject to a court order under  
31 this chapter to be apprehended and taken into custody and temporary  
32 detention in an evaluation and treatment facility in or near the  
33 county in which he or she is receiving outpatient treatment if the  
34 person is committed for mental health treatment, or, if the person is  
35 committed for substance use disorder treatment, in a secure  
36 detoxification facility or approved substance use disorder treatment  
37 program if either is available in or near the county in which he or  
38 she is receiving outpatient treatment. Proceedings under this  
39 subsection (4) may be initiated without ordering the apprehension and  
40 detention of the person.

1       (b) Except as provided in subsection (6) of this section, a  
2 person detained under this subsection (4) must be held until such  
3 time, not exceeding five days, as a hearing can be scheduled to  
4 determine whether or not the person should be returned to the  
5 hospital or facility from which he or she had been released. If the  
6 person is not detained, the hearing must be scheduled within five  
7 days of service on the person. The designated crisis responder or the  
8 secretary may modify or rescind the order at any time prior to  
9 commencement of the court hearing.

10       (c) The designated crisis responder or secretary shall file a  
11 revocation petition and order of apprehension and detention with the  
12 court of the county where the person is currently located or being  
13 detained. The designated crisis responder shall serve the person and  
14 their attorney, guardian, and conservator, if any. The person has the  
15 same rights with respect to notice, hearing, and counsel as in any  
16 involuntary treatment proceeding, except as specifically set forth in  
17 this section. There is no right to jury trial. The venue for  
18 proceedings is the county where the petition is filed. Notice of the  
19 filing must be provided to the court that originally ordered  
20 commitment, if different from the court where the petition for  
21 revocation is filed, within two judicial days of the person's  
22 detention.

23       (d) Except as provided in subsection (6) of this section, the  
24 issues for the court to determine are whether: (i) The person adhered  
25 to the terms and conditions of the court order; (ii) substantial  
26 deterioration in the person's functioning has occurred; (iii) there  
27 is evidence of substantial decompensation with a reasonable  
28 probability that the decompensation can be reversed by further  
29 inpatient treatment; or (iv) there is a likelihood of serious harm;  
30 and, if any of the above conditions apply, whether the court should  
31 reinstate or modify the person's less restrictive alternative or  
32 conditional release order or order the person's detention for  
33 inpatient treatment. The person may waive the court hearing and allow  
34 the court to enter a stipulated order upon the agreement of all  
35 parties. If the court orders detention for inpatient treatment, the  
36 treatment period may be for no longer than the period authorized in  
37 the original court order.

38       ~~((e) Revocation proceedings under this subsection (4) are not~~  
39 ~~allowable if the current commitment is solely based on the person~~  
40 ~~being in need of assisted outpatient mental health treatment. In~~

1 ~~order to obtain a court order for detention for inpatient treatment~~  
2 ~~under this circumstance, a petition must be filed under RCW 71.05.150~~  
3 ~~or 71.05.153.)~~

4 (5) In determining whether or not to take action under this  
5 section the designated crisis responder, agency, or facility must  
6 consider the factors specified under RCW 71.05.212 and the court must  
7 consider the factors specified under RCW 71.05.245 as they apply to  
8 the question of whether to enforce, modify, or revoke a court order  
9 for involuntary treatment.

10 (6)(a) If the current commitment is solely based on the person  
11 being in need of assisted outpatient behavioral health treatment as  
12 defined in RCW 71.05.020, a designated crisis responder may initiate  
13 inpatient detention procedures under RCW 71.05.150 or 71.05.153 when  
14 appropriate. A designated crisis responder or the secretary may, upon  
15 their own motion or notification by the facility or agency designated  
16 to provide outpatient care to a person subject to a less restrictive  
17 alternative treatment order under RCW 71.05.320 subsequent to an  
18 order for assisted outpatient behavioral health treatment entered  
19 under section 3 of this act, order the person to be apprehended and  
20 taken into custody and temporary detention for inpatient evaluation  
21 in an evaluation and treatment facility in or near the county in  
22 which he or she is receiving outpatient treatment if the person is  
23 committed for mental health treatment, or, if the person is committed  
24 for substance use disorder treatment, in a secure detoxification  
25 facility or approved substance use disorder treatment program if  
26 either is available in or near the county in which he or she is  
27 receiving outpatient treatment. Proceedings under this subsection may  
28 be initiated without ordering the apprehension and detention of the  
29 person.

30 (b) A person detained under this subsection may be held for  
31 evaluation for up to seventy-two hours, excluding weekends and  
32 holidays, pending a court hearing. The designated crisis responder or  
33 the secretary may modify or rescind the order at any time prior to  
34 commencement of the court hearing.

35 (c) The issues for the court to determine are whether to continue  
36 the detention of the person for inpatient treatment or whether the  
37 court should reinstate or modify the person's less restrictive  
38 alternative order or order the person's detention for inpatient  
39 treatment. To continue detention after the seventy-two hour period,  
40 the court must find that the person, as a result of a mental disorder

1 or substance use disorder, presents a likelihood of serious harm or  
2 is gravely disabled and, after considering less restrictive  
3 alternatives to involuntary detention and treatment, that no such  
4 alternatives are in the best interest of the person or others.

5 (d) A court may not issue an order to detain a person for  
6 inpatient treatment in a secure detoxification facility or approved  
7 substance use disorder program under this subsection unless there is  
8 a secure detoxification facility or approved substance use disorder  
9 treatment program available and with adequate space for the person.

10 **Sec. 11.** RCW 71.05.201 and 2017 3rd sp.s. c 14 s 2 are each  
11 amended to read as follows:

12 (1) If a designated crisis responder decides not to detain a  
13 person for evaluation and treatment under RCW 71.05.150 or 71.05.153  
14 or forty-eight hours have elapsed since a designated crisis responder  
15 received a request for investigation and the designated crisis  
16 responder has not taken action to have the person detained, an  
17 immediate family member or guardian or conservator of the person may  
18 petition the superior court for the person's initial detention.

19 (2) A petition under this section must be filed within ten  
20 calendar days following the designated crisis responder investigation  
21 or the request for a designated crisis responder investigation. If  
22 more than ten days have elapsed, the immediate family member,  
23 guardian, or conservator may request a new designated crisis  
24 responder investigation.

25 (3)(a) The petition must be filed in the county in which the  
26 designated crisis responder investigation occurred or was requested  
27 to occur and must be submitted on forms developed by the  
28 administrative office of the courts for this purpose. The petition  
29 must be accompanied by a sworn declaration from the petitioner, and  
30 other witnesses if desired, describing why the person should be  
31 detained for evaluation and treatment. The description of why the  
32 person should be detained may contain, but is not limited to, the  
33 information identified in RCW 71.05.212.

34 (b) The petition must contain:

35 (i) A description of the relationship between the petitioner and  
36 the person; and

37 (ii) The date on which an investigation was requested from the  
38 designated crisis responder.



1 (4) The court shall, within one judicial day, review the petition  
2 to determine whether the petition raises sufficient evidence to  
3 support the allegation. If the court so finds, it shall provide a  
4 copy of the petition to the designated crisis responder agency with  
5 an order for the agency to provide the court, within one judicial  
6 day, with a written sworn statement describing the basis for the  
7 decision not to seek initial detention and a copy of all information  
8 material to the designated crisis responder's current decision.

9 (5) Following the filing of the petition and before the court  
10 reaches a decision, any person, including a mental health  
11 professional, may submit a sworn declaration to the court in support  
12 of or in opposition to initial detention.

13 (6) The court shall dismiss the petition at any time if it finds  
14 that a designated crisis responder has filed a petition for the  
15 person's initial detention under RCW 71.05.150 or 71.05.153 or that  
16 the person has voluntarily accepted appropriate treatment.

17 (7) The court must issue a final ruling on the petition within  
18 five judicial days after it is filed. After reviewing all of the  
19 information provided to the court, the court may enter an order for  
20 initial detention or an order instructing the designated crisis  
21 responder to file a petition for assisted outpatient behavioral  
22 health treatment if the court finds that: (a) There is probable cause  
23 to support a petition for detention or assisted outpatient behavioral  
24 health treatment; and (b) the person has refused or failed to accept  
25 appropriate evaluation and treatment voluntarily. The court shall  
26 transmit its final decision to the petitioner.

27 (8) If the court enters an order for initial detention, it shall  
28 provide the order to the designated crisis responder agency and issue  
29 a written order for apprehension of the person by a peace officer for  
30 delivery of the person to a facility or emergency room determined by  
31 the designated crisis responder. The designated crisis responder  
32 agency serving the jurisdiction of the court must collaborate and  
33 coordinate with law enforcement regarding apprehensions and  
34 detentions under this subsection, including sharing of information  
35 relating to risk and which would assist in locating the person. A  
36 person may not be detained to jail pursuant to a written order issued  
37 under this subsection. An order for detention under this section  
38 should contain the advisement of rights which the person would  
39 receive if the person were detained by a designated crisis responder.

1 An order for initial detention under this section expires one hundred  
2 eighty days from issuance.

3 (9) Except as otherwise expressly stated in this chapter, all  
4 procedures must be followed as if the order had been entered under  
5 RCW 71.05.150. RCW 71.05.160 does not apply if detention was  
6 initiated under the process set forth in this section.

7 (10) For purposes of this section, "immediate family member"  
8 means a spouse, domestic partner, child, stepchild, parent,  
9 stepparent, grandparent, or sibling.

10 **Sec. 12.** RCW 71.05.156 and 2016 sp.s. c 29 s 215 are each  
11 amended to read as follows:

12 A designated crisis responder who conducts an evaluation for  
13 imminent likelihood of serious harm or imminent danger because of  
14 being gravely disabled under RCW 71.05.153 must also evaluate the  
15 person under RCW 71.05.150 for likelihood of serious harm or grave  
16 disability that does not meet the imminent standard for emergency  
17 detention, and to determine whether the person is in need of assisted  
18 outpatient (~~mental~~) behavioral health treatment.

19 **Sec. 13.** RCW 71.05.212 and 2016 sp.s. c 29 s 226 are each  
20 amended to read as follows:

21 (1) Whenever a designated crisis responder or professional person  
22 is conducting an evaluation under this chapter, consideration shall  
23 include all reasonably available information from credible witnesses  
24 and records regarding:

25 (a) Prior recommendations for evaluation of the need for civil  
26 commitments when the recommendation is made pursuant to an evaluation  
27 conducted under chapter 10.77 RCW;

28 (b) Historical behavior, including history of one or more violent  
29 acts;

30 (c) Prior determinations of incompetency or insanity under  
31 chapter 10.77 RCW; and

32 (d) Prior commitments under this chapter.

33 (2) Credible witnesses may include family members, landlords,  
34 neighbors, or others with significant contact and history of  
35 involvement with the person. If the designated crisis responder  
36 relies upon information from a credible witness in reaching his or  
37 her decision to detain the individual, then he or she must provide  
38 contact information for any such witness to the prosecutor. The

1 designated crisis responder or prosecutor shall provide notice of the  
2 date, time, and location of the probable cause hearing to such a  
3 witness.

4 (3) Symptoms and behavior of the respondent which standing alone  
5 would not justify civil commitment may support a finding of grave  
6 disability or likelihood of serious harm, or a finding that the  
7 person is in need of assisted outpatient (~~mental~~) behavioral health  
8 treatment, when:

9 (a) Such symptoms or behavior are closely associated with  
10 symptoms or behavior which preceded and led to a past incident of  
11 involuntary hospitalization, severe deterioration, or one or more  
12 violent acts;

13 (b) These symptoms or behavior represent a marked and concerning  
14 change in the baseline behavior of the respondent; and

15 (c) Without treatment, the continued deterioration of the  
16 respondent is probable.

17 (4) When conducting an evaluation for offenders identified under  
18 RCW 72.09.370, the designated crisis responder or professional person  
19 shall consider an offender's history of judicially required or  
20 administratively ordered antipsychotic medication while in  
21 confinement.

22 **Sec. 14.** RCW 71.05.245 and 2015 c 250 s 8 are each amended to  
23 read as follows:

24 (1) In making a determination of whether a person is gravely  
25 disabled, presents a likelihood of serious harm, or is in need of  
26 assisted outpatient (~~mental~~) behavioral health treatment in a  
27 hearing conducted under RCW 71.05.240 or 71.05.320, the court must  
28 consider the symptoms and behavior of the respondent in light of all  
29 available evidence concerning the respondent's historical behavior.

30 (2) Symptoms or behavior which standing alone would not justify  
31 civil commitment may support a finding of grave disability or  
32 likelihood of serious harm, or a finding that the person is in need  
33 of assisted outpatient (~~mental~~) behavioral health treatment, when:

34 (a) Such symptoms or behavior are closely associated with symptoms or  
35 behavior which preceded and led to a past incident of involuntary  
36 hospitalization, severe deterioration, or one or more violent acts;

37 (b) these symptoms or behavior represent a marked and concerning  
38 change in the baseline behavior of the respondent; and (c) without  
39 treatment, the continued deterioration of the respondent is probable.

1 (3) In making a determination of whether there is a likelihood of  
2 serious harm in a hearing conducted under RCW 71.05.240 or 71.05.320,  
3 the court shall give great weight to any evidence before the court  
4 regarding whether the person has: (a) A recent history of one or more  
5 violent acts; or (b) a recent history of one or more commitments  
6 under this chapter or its equivalent provisions under the laws of  
7 another state which were based on a likelihood of serious harm. The  
8 existence of prior violent acts or commitments under this chapter or  
9 its equivalent shall not be the sole basis for determining whether a  
10 person presents a likelihood of serious harm.

11 For the purposes of this subsection "recent" refers to the period  
12 of time not exceeding three years prior to the current hearing.

13 **Sec. 15.** RCW 71.05.280 and 2016 sp.s. c 29 s 234 are each  
14 amended to read as follows:

15 At the expiration of the fourteen-day period of intensive  
16 treatment, a person may be committed for further treatment pursuant  
17 to RCW 71.05.320 if:

18 (1) Such person after having been taken into custody for  
19 evaluation and treatment has threatened, attempted, or inflicted: (a)  
20 Physical harm upon the person of another or himself or herself, or  
21 substantial damage upon the property of another, and (b) as a result  
22 of mental disorder or substance use disorder presents a likelihood of  
23 serious harm; or

24 (2) Such person was taken into custody as a result of conduct in  
25 which he or she attempted or inflicted physical harm upon the person  
26 of another or himself or herself, or substantial damage upon the  
27 property of others, and continues to present, as a result of mental  
28 disorder or substance use disorder, a likelihood of serious harm; or

29 (3) Such person has been determined to be incompetent and  
30 criminal charges have been dismissed pursuant to RCW 10.77.086(4),  
31 and has committed acts constituting a felony, and as a result of a  
32 mental disorder, presents a substantial likelihood of repeating  
33 similar acts.

34 (a) In any proceeding pursuant to this subsection it shall not be  
35 necessary to show intent, willfulness, or state of mind as an element  
36 of the crime;

37 (b) For any person subject to commitment under this subsection  
38 where the charge underlying the finding of incompetence is for a  
39 felony classified as violent under RCW 9.94A.030, the court shall

1 determine whether the acts the person committed constitute a violent  
2 offense under RCW 9.94A.030; or

3 (4) Such person is gravely disabled; or

4 (5) Such person is in need of assisted outpatient (~~mental~~)  
5 behavioral health treatment.

6 **Sec. 16.** RCW 71.05.595 and 2015 c 250 s 17 are each amended to  
7 read as follows:

8 A court order for less restrictive alternative treatment for a  
9 person found to be in need of assisted outpatient (~~mental~~)  
10 behavioral health treatment must be terminated prior to the  
11 expiration of the order when, in the opinion of the professional  
12 person in charge of the less restrictive alternative treatment  
13 provider, (1) the person is prepared to accept voluntary treatment,  
14 or (2) the outpatient treatment ordered is no longer necessary to  
15 prevent a relapse, decompensation, or deterioration that is likely to  
16 result in the person presenting a likelihood of serious harm or the  
17 person becoming gravely disabled within a reasonably short period of  
18 time.

19 NEW SECTION. **Sec. 17.** If any provision of this act or its  
20 application to any person or circumstance is held invalid, the  
21 remainder of the act or the application of the provision to other  
22 persons or circumstances is not affected.

23 NEW SECTION. **Sec. 18.** Sections 1 through 4, 6, 7, 9, 11, 12,  
24 13, and 15 of this act are necessary for the immediate preservation  
25 of the public peace, health, or safety, or support of the state  
26 government and its existing public institutions, and take effect  
27 April 1, 2018.

28 NEW SECTION. **Sec. 19.** Sections 5, 8, and 10 of this act take  
29 effect July 1, 2026.

30 NEW SECTION. **Sec. 20.** Sections 4, 7, and 9 of this act expire  
31 July 1, 2026.

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