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HOUSE BILL 1116

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State of Washington

68th Legislature

2023 Regular Session

By Representative Mosbrucker

Prefiled 01/04/23. Read first time 01/09/23. Referred to Committee on Human Services, Youth, & Early Learning.

1 AN ACT Relating to providing a behavioral health response to  
2 juveniles consuming controlled substances; and amending RCW  
3 43.185C.260.

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

5 **Sec. 1.** RCW 43.185C.260 and 2020 c 331 s 8 are each amended to  
6 read as follows:

7 (1) A law enforcement officer shall take a child into custody:

8 (a) If a law enforcement agency has been contacted by the parent  
9 of the child that the child is absent from parental custody without  
10 consent; or

11 (b) If a law enforcement officer reasonably believes, considering  
12 the child's age, the location, and the time of day, that a child is  
13 in circumstances which constitute a danger to the child's safety or  
14 that a child is violating a local curfew ordinance; or

15 (c) If an agency legally charged with the supervision of a child  
16 has notified a law enforcement agency that the child has run away  
17 from placement.

18 (2) Law enforcement custody shall not extend beyond the amount of  
19 time reasonably necessary to transport the child to a destination  
20 authorized by law and to place the child at that destination. Law  
21 enforcement custody continues until the law enforcement officer

1 transfers custody to a person, agency, or other authorized entity  
2 under this chapter, or releases the child because no placement is  
3 available. Transfer of custody is not complete unless the person,  
4 agency, or entity to whom the child is released agrees to accept  
5 custody.

6 (3) If a law enforcement officer takes a child into custody  
7 pursuant to either subsection (1)(a) or (b) of this section and  
8 transports the child to a crisis residential center, the officer  
9 shall, within twenty-four hours of delivering the child to the  
10 center, provide to the center a written report detailing the reasons  
11 the officer took the child into custody. The center shall provide the  
12 department of children, youth, and families with a copy of the  
13 officer's report if the youth is in the care of or receiving services  
14 from the department of children, youth, and families.

15 (4) If the law enforcement officer who initially takes the  
16 juvenile into custody or the staff of the crisis residential center  
17 have reasonable cause to believe that the child is absent from home  
18 because he or she is abused or neglected, a report shall be made  
19 immediately to the department of children, youth, and families.

20 (5) Nothing in this section affects the authority of any  
21 political subdivision to make regulations concerning the conduct of  
22 minors in public places by ordinance or other local law.

23 (6) If a law enforcement officer has a reasonable suspicion that  
24 a child is being unlawfully harbored in violation of RCW 13.32A.080,  
25 the officer shall remove the child from the custody of the person  
26 harboring the child and shall transport the child to one of the  
27 locations specified in RCW 43.185C.265.

28 (7) If a law enforcement officer takes a juvenile into custody  
29 pursuant to subsection (1)(b) of this section and reasonably believes  
30 that the juvenile may be the victim of sexual exploitation, the  
31 officer shall:

32 (a) Transport the child to:

33 (i) An evaluation and treatment facility as defined in RCW  
34 71.34.020, including the receiving centers established in RCW  
35 7.68.380, for purposes of evaluation for behavioral health treatment  
36 authorized under chapter 71.34 RCW, including adolescent-initiated  
37 treatment, family-initiated treatment, or involuntary treatment; or

38 (ii) Another appropriate youth-serving entity or organization  
39 including, but not limited to:

40 (A) A HOPE Center as defined under RCW 43.185C.010;

1 (B) A foster-family home as defined under RCW 74.15.020;  
2 (C) A crisis residential center as defined under RCW 43.185C.010;  
3 or  
4 (D) A community-based program that has expertise working with  
5 adolescents in crisis; or  
6 (b) Coordinate transportation to one of the locations identified  
7 in (a) of this subsection, with a liaison dedicated to serving  
8 commercially sexually exploited children established under RCW  
9 74.14B.070 or a community service provider.  
10 (8) Law enforcement shall have the authority to take into  
11 protective custody a child who is or is attempting to engage in  
12 sexual conduct with another person for money or anything of value for  
13 purposes of investigating the individual or individuals who may be  
14 exploiting the child and deliver the child to an evaluation and  
15 treatment facility as defined in RCW 71.34.020, including the  
16 receiving centers established in RCW 7.68.380, for purposes of  
17 evaluation for behavioral health treatment authorized under chapter  
18 71.34 RCW, including adolescent-initiated treatment, family-initiated  
19 treatment, or involuntary treatment.  
20 (9) If a law enforcement officer takes a juvenile into custody  
21 under the authority provided under subsection (1) of this section and  
22 observes the juvenile consuming, in any manner, a controlled  
23 substance as defined in RCW 69.50.101, the law enforcement officer  
24 shall deliver the child to an evaluation and treatment facility as  
25 defined in RCW 71.34.020 for purposes of evaluation for behavioral  
26 health treatment authorized under chapter 71.34 RCW, including  
27 adolescent-initiated treatment, family-initiated treatment, or  
28 involuntary treatment.  
29 (10) No child may be placed in a secure facility except as  
30 provided in this chapter.

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