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**ENGROSSED SUBSTITUTE HOUSE BILL 1448**

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**State of Washington 64th Legislature 2015 Regular Session**

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

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

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

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

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

(1) A peace officer who responds to a report of threatened or attempted suicide and does not take the person who is the subject of the report into custody may note in an incident report that the person is in need of a mental health evaluation, or may otherwise contact a designated mental health professional agency to notify the agency that the person may need a mental health evaluation.

(2) An incident report noting a need for a mental health evaluation must be forwarded to a local designated mental health professional agency as soon as possible, but no later than forty-eight hours from the entry of the incident report, excluding Saturdays, Sundays, and holidays.

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

(4) By January 1, 2016, law enforcement agencies must have a system in place for officers to document, as part of an incident report, the need for a mental health evaluation of a person who is the subject of a report of threatened or attempted suicide. The Washington association of sheriffs and police chiefs must assist local jurisdictions in establishing systems and protocols to satisfy this requirement, and must also assist local jurisdictions in establishing alternative systems and protocols for notifying designated mental health professional agencies when a person who is the subject of a report of threatened or attempted suicide is in need of a mental health evaluation.

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

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

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

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

NEW SECTION. **Sec.**  This act may be known and cited as Sheena and Chris Henderson's law.

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