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**HOUSE BILL 2794**

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

**By** Representative Orwall

AN ACT Relating to initial detention determinations by designated mental health professionals; and amending RCW 71.05.153.

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

**Sec.**  RCW 71.05.153 and 2015 c 269 s 6 are each amended to read as follows:

(1) When a designated mental health professional receives information alleging that a person, as the result of a mental disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated mental health professional may take such person, or cause by oral or written order such person to be taken into emergency custody in an evaluation and treatment facility for not more than seventy-two hours as described in RCW 71.05.180.

(2) A peace officer may take or cause such person to be taken into custody and immediately delivered to a triage facility, crisis stabilization unit, evaluation and treatment facility, or the emergency department of a local hospital under the following circumstances:

(a) Pursuant to subsection (1) of this section; or

(b) When he or she has reasonable cause to believe that such person is suffering from a mental disorder and presents an imminent likelihood of serious harm or is in imminent danger because of being gravely disabled.

(3) Persons delivered to a crisis stabilization unit, evaluation and treatment facility, emergency department of a local hospital, or triage facility that has elected to operate as an involuntary facility by peace officers pursuant to subsection (2) of this section may be held by the facility for a period of up to twelve hours, not counting time periods prior to medical clearance.

(4) Within three hours after arrival, not counting time periods prior to medical clearance, the person must be examined by a mental health professional. Within twelve hours of notice of the need for evaluation, not counting time periods prior to medical clearance, the designated mental health professional must determine whether the individual meets detention criteria. If the individual is detained, the designated mental health professional shall file a petition for detention or a supplemental petition as appropriate and commence service on the designated attorney for the detained person. If the individual is released to the community, the mental health provider shall inform the peace officer of the release within a reasonable period of time after the release if the peace officer has specifically requested notification and provided contact information to the provider.

(5)(a) In every case in which a person is taken into custody by a peace officer under subsection (2)(b) of this section and the following criteria apply, a designated mental health professional must conduct an evaluation and make an initial detention determination:

(i) The person was taken into custody based on the peace officer's belief that the person presents an imminent likelihood of serious harm; and

(ii) In the course of taking the person into custody the peace officer removed a firearm or other potentially lethal means from the person that the officer believes the person intended to use for self-harm or harm of others.

(b) The officer must notify the facility to which the person is delivered when the circumstances in (a) of this subsection apply. Upon receiving notice, the facility must notify a designated mental health professional of the need for an evaluation and hold the person for the allowable time periods outlined in this section in order to facilitate the evaluation.

(6) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section based on the intent of this chapter under RCW 71.05.010 except in the few cases where the facility staff or designated mental health professional has totally disregarded the requirements of this section.

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