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## Judiciary Committee

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### HB 1451

**Title:** An act relating to civil commitment.

**Brief Description:** Regarding civil commitment.

**Sponsors:** Representatives Rodne, Jinkins, Walkinshaw, Harris, Walsh, Senn, Goodman, Riccelli, Moeller, Ormsby, McBride and Tharinger.

<p style="text-align: center;"><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Identifies "persistent or acute disability" as an additional standard upon which a person may be committed for involuntary mental health treatment.</li></ul>
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**Hearing Date:** 1/28/15

**Staff:** Omeara Harrington (786-7136).

**Background:**

Under the involuntary mental health systems for both minors and adults, a person may only be committed for involuntary mental health treatment if he or she poses a likelihood of serious harm or is gravely disabled. The likelihood of serious harm or grave disability must be due to a mental disorder. A mental disorder is any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions.

"Likelihood of serious harm" means:

1. in either the adult or minor system, that the person poses a substantial risk of physical harm to self, others, or the property of others, as evidenced by certain behavior; or
2. in the adult system, that the person has threatened the physical safety of another and has a history of one or more violent acts.

"Gravely disabled" means:

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1. the person is in danger of serious physical harm due to a failure to provide for his or her essential human needs of health and safety; or
2. the person manifests a severe deterioration in routine functioning, evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions, and is not receiving the care essential for health or safety.

A person who poses a likelihood of serious harm or is gravely disabled may be committed for up to 72 hours for an initial evaluation. Upon subsequent petitions and hearings for further treatment, an adult posing a likelihood of serious harm or grave disability may be court ordered to consecutive terms of treatment lasting up to 14 days, up to 90 days, and successive terms of up to 180 days. A court finding that a minor meets either the likelihood of serious harm or grave disability standard may be committed for an initial term of up to 14 days of treatment, followed by successive orders of up to 180 days of treatment.

In entering an order for involuntary mental health treatment in either the adult or minor system, if the court determines that a person poses a likelihood of serious harm or is gravely disabled but that treatment in a less restrictive alternative than detention is in the best interest of the person or others, the court must order an appropriate less restrictive course of treatment rather than inpatient treatment.

#### **Summary of Bill:**

An additional standard for involuntary mental health commitment is identified. In addition to likelihood of serious harm or grave disability, a court may commit a person for involuntary mental health treatment if the person has a "persistent or acute disability." A persistent or acute disability is a severe mental disorder that meets all of the following criteria:

- if not treated has a substantial probability of causing the person to suffer or continue to suffer severe and abnormal mental, emotional, or physical harm that significantly impairs judgment, reason, behavior, or capacity to recognize reality;
- substantially impairs the person's capacity to make an informed decision regarding treatment, and this impairment causes the person to be incapable of understanding and expressing an understanding of the advantages and disadvantages of accepting treatment and of the alternatives to the treatment offered after having the advantages, disadvantages, and alternatives explained; and
- has a reasonable prospect of being treatable by outpatient, inpatient, or combined outpatient and inpatient treatment.

The persistent or acute disability standard justifies commitment both in the adult and minor involuntary treatment systems. Like commitment based on likelihood of serious harm or grave disability, a person committed based on a persistent or acute disability may be committed to inpatient treatment, or, if in the best interest of the person or others, to a less restrictive alternative to inpatient treatment.

**Appropriation:** None.

**Fiscal Note:** Requested on January 22, 2015.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.