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**SENATE BILL 5835**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senators Brown, Cleveland, Becker, Darneille, Walsh, Kuderer, Nguyen, Palumbo, Rolfes, and Wilson, L.

Read first time 02/06/19. Referred to Committee on Law & Justice.

1 AN ACT Relating to a hotline for the reporting of potential self-  
2 harm and criminal acts; adding a new chapter to Title 43 RCW; and  
3 prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The definitions in this section apply  
6 throughout this chapter unless the context clearly requires  
7 otherwise.

8 (1) "Attorney general" means the office of the Washington state  
9 attorney general.

10 (2) "Fund" means the community mental health safety fund created  
11 in section 6 of this act.

12 (3) "Hotline" means a statewide toll-free telephone number or  
13 other means of communication, or a combination of a toll-free  
14 telephone number and another means of communication, that transmits  
15 voice, text, photographic, and other messages and information to the  
16 vendor, including information forwarded to that vendor through the  
17 web site described in section 2(2) of this act.

18 (4) "Vendor" means the entity contracted to operate the hotline  
19 under section 2(3) of this act.

1        NEW SECTION.    **Sec. 2.**    (1) The attorney general, in consultation  
2 with the Washington state patrol and the Washington state health care  
3 authority shall, to the extent that funds are appropriated for this  
4 purpose, establish a program for receiving reports and other  
5 information from the public regarding potential self-harm and  
6 potential harm or criminal acts including, but not limited to, sexual  
7 abuse, assault, or rape. The attorney general shall establish the  
8 program within the guidelines of this chapter.

9        (2) The program described in subsection (1) of this section must  
10 include a hotline for receiving reports and information described in  
11 subsection (1) of this section. The hotline must be available for use  
12 twenty-four hours a day, three hundred sixty-five days a year. The  
13 attorney general may provide promotional information regarding the  
14 program on the attorney general's web site.

15        (3) Prior to operation of the hotline, the attorney general shall  
16 issue a request for proposals to enter into a contract for operation  
17 of the hotline. The attorney general has sole authority over the  
18 request for proposals process and the decision over which entity is  
19 awarded the contract. This subsection does not prohibit the  
20 Washington state patrol from submitting a proposal. Any contract must  
21 require the vendor to be bound by the requirements of this chapter,  
22 including its confidentiality provisions.

23        (4) The attorney general is responsible for the continued  
24 operational and administrative oversight of the program. The program  
25 must provide for a means to review all information submitted through  
26 the hotline and to direct those reports and that information,  
27 including any analysis of the potential threat as determined  
28 appropriate by the attorney general or a vendor under contract with  
29 the attorney general to local law enforcement officials and mental  
30 health officials. The program must include a means by which responses  
31 at the local level are determined and evaluated for effectiveness.  
32 The attorney general shall ensure that appropriate training is  
33 provided to program personnel in all of the following areas:

34        (a) Crisis management, including recognizing mental illness and  
35 emotional disturbance;

36        (b) The resources that are available in the community for  
37 providing mental health treatment and other human services; and

38        (c) Other matters determined by the attorney general to be  
39 relevant to the administration and operation of the program.

1 (5) A report or other information submitted to the hotline is  
2 considered to be a report to a law enforcement agency and must be  
3 maintained as a record by the vendor for at least one year, subject  
4 to the confidentiality requirements of this chapter.

5 (6) The attorney general shall ensure that any hotline  
6 information that suggests that a psychiatric emergency is taking  
7 place within a county is immediately referred to the community mental  
8 health services program crisis line for that county.

9 (7) The attorney general shall develop a source of information on  
10 available community mental health resources and contacts, including  
11 mental health services. The attorney general shall notify law  
12 enforcement and mental health officials of this information source.  
13 The notice must include the attorney general's recommendation that  
14 law enforcement and mental health officials, upon investigating a  
15 case and determining that mental illness or emotional disturbance is  
16 or may be involved, utilize this information in aiding subjects and  
17 their parents or guardians.

18 NEW SECTION. **Sec. 3.** (1) Any report or information submitted to  
19 the hotline under section 2 of this act is confidential, shall not be  
20 released except as otherwise provided in this chapter, and is not  
21 subject to disclosure under chapter 42.56 RCW, the public records  
22 act.

23 (2) Any report or information submitted to the hotline and  
24 forwarded by the vendor described in section 2(3) of this act to a  
25 law enforcement official or to a mental health official is  
26 confidential, shall not be released except as otherwise provided in  
27 this chapter, and is not subject to disclosure under chapter 42.56  
28 RCW, the public records act.

29 (3) A person who intentionally discloses information to another  
30 person in violation of subsection (1) or (2) of this section is  
31 guilty of a misdemeanor punishable by imprisonment for not more than  
32 ninety days or a fine of not more than five hundred dollars, or both.

33 (4) If a report to the hotline does not result in a referral, or  
34 the investigation of a subject results in a determination that no  
35 action regarding that subject is warranted, the subject's name shall  
36 be expunged from the records of all entities involved in the hotline  
37 program except as otherwise provided by law.

1        NEW SECTION.        **Sec. 4.**        Information regarding a report or  
2 information submitted to the hotline under section 2 of this act,  
3 including any identifying information, may be disclosed as follows:

4        (1) By either of the following as necessary for purposes of this  
5 chapter and as necessary to address reports and information received  
6 under this chapter:

7        (a) The vendor and its employees acting in the course of their  
8 duties; or

9        (b) The attorney general, law enforcement agencies, the  
10 Washington state health care authority, and community mental health  
11 service programs, and their employees acting in the course of their  
12 duties. However, this subsection (1)(b) does not allow the disclosure  
13 of information that would identify the person who submitted the  
14 report or information to the hotline under section 2 of this act;

15        (2) With the permission of the person or, if the person is a  
16 minor, with the permission of the minor and his or her parents or  
17 guardians; or

18        (3) Pursuant to a court order issued under section 5 of this act.

19        NEW SECTION.        **Sec. 5.**        (1) A person who is charged with a  
20 criminal offense as a result of a report or information filed under  
21 section 2 of this act may petition the court for disclosure of the  
22 report or information, including any identifying information, as  
23 provided in this subsection. The prosecuting attorney for the county  
24 having jurisdiction and the attorney general shall be notified of the  
25 petition not less than seven days before the hearing on the petition,  
26 or as otherwise provided by the court, and have the right to appear  
27 in the proceedings to oppose the petition. If a petition is filed  
28 under this subsection, the court may conduct a hearing on the  
29 petition. If a hearing is conducted, it shall be conducted in  
30 chambers outside of the presence of the petitioner. If the court  
31 determines that the report or information, including any identifying  
32 information, is relevant to the criminal proceedings and is essential  
33 to the fair trial of the person, the court may order the disclosure  
34 of that report or information, including any identifying information,  
35 as determined appropriate by the court. The court may place  
36 restrictions on the release and use of the report or information,  
37 including any identifying information, obtained under this subsection  
38 or may redact material as it considers appropriate. Material reviewed

1 by the court that is not ordered released or that is redacted shall  
2 be maintained by the court under seal for purposes of appeal only.

3 (2) If the prosecuting attorney has reason to believe that a  
4 report or other information provided under section 2 of this act was  
5 falsely provided to the vendor described in section 2(3) of this act  
6 through the hotline operated by that vendor under section 2 of this  
7 act, that prosecuting attorney may petition the court to disclose the  
8 report or information, including any identifying information. The  
9 attorney general shall be notified of the petition not less than  
10 seven days before the hearing on the petition, or as otherwise  
11 provided by the court, and has the right to appear in the proceedings  
12 to oppose the petition. If the court determines that there is reason  
13 to believe that the report or information may have been falsely  
14 provided, the court may order the disclosure of the report or  
15 information, including any identifying information, as determined  
16 appropriate by the court. The court may place restrictions on the  
17 release and use of the report or information, including any  
18 identifying information, obtained under this subsection or may redact  
19 material as it considers appropriate. Material reviewed by the court  
20 that is not ordered released or that is redacted shall be maintained  
21 by the court under seal for purposes of appeal only.

22 (3) The attorney general may also appear in any other action to  
23 oppose the release of any report or information obtained under  
24 section 2 of this act, including any identifying information.

25 NEW SECTION. **Sec. 6.** (1) The community mental health safety  
26 fund is created in the custody of the state treasurer.

27 (2) The state treasurer may receive money or other assets from  
28 any source for deposit into the fund. The state treasurer shall  
29 credit to the fund interest and earnings from fund investments.

30 (3) Money in the fund at the close of the fiscal year shall  
31 remain in the fund and shall not lapse to the general fund.

32 (4) The attorney general shall be the administrator of the fund  
33 for auditing purposes.

34 (5) The attorney general may expend money from the fund, upon  
35 appropriation, only for one or more of the following purposes:

36 (a) To pay the costs of the attorney general for administering  
37 this chapter;

38 (b) To pay the costs of the vendor described in section 2(3) of  
39 this act for operating the hotline;

1 (c) To promote public awareness of the program, including the  
2 availability of the hotline and the web site operated by the attorney  
3 general.

4 (6) Money shall not be expended for any promotion program that  
5 includes a reference to, or the image or voice of, an elected  
6 official, appointed state employee, state employee governed by a  
7 senior executive service limited term employment agreement, or a  
8 candidate for elective office, that is targeted to a media market in  
9 this state.

10 NEW SECTION. **Sec. 7.** (1) The attorney general, in consultation  
11 with the Washington state health care authority and the vendor, shall  
12 prepare an annual report under this chapter. The report shall be  
13 filed not later than July 31st of the year in which the report is  
14 due. Copies of the report shall be filed with the governor, the  
15 secretary of the senate, the chief clerk of the house of  
16 representatives, the clerk of the senate standing committee on ways  
17 and means, and the clerk of the house standing committee on  
18 appropriations. The report shall also be maintained on the attorney  
19 general's web site. The report shall contain all of the following  
20 information:

21 (a) The number of reports and other information reported to the  
22 hotline under this chapter;

23 (b) The number of reports and information reported to the hotline  
24 that are forwarded to local law enforcement officials;

25 (c) The number of hotline reports resulting in referral to mental  
26 health services;

27 (d) The nature of the reports and information reported to the  
28 hotline in categories established by the attorney general;

29 (e) The responses to the reports and information reported to the  
30 hotline at the local level in categories established by the attorney  
31 general;

32 (f) The source of all funds deposited in the community mental  
33 health safety fund;

34 (g) The itemized costs and expenditures incurred by the attorney  
35 general in implementing this chapter;

36 (h) The itemized costs and expenditures incurred by the  
37 Washington state patrol in implementing this chapter;

38 (i) The contributions of, and the costs and expenditures incurred  
39 by, the vendor; and

1 (j) An analysis of the overall effectiveness of the program in  
2 addressing potential self-harm and potential harm or criminal acts.

3 (2) Agencies in possession of information necessary to complete  
4 the report shall provide access to the attorney general, to the  
5 extent authorized by law.

6 NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act  
7 constitute a new chapter in Title 43 RCW.

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