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**SUBSTITUTE HOUSE BILL 1314**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** House Civil Rights & Judiciary (originally sponsored by Representatives Young, Lovick, Dufault, Hackney, Bateman, Rule, Lekanoff, Pollet, and Callan)

READ FIRST TIME 02/15/21.

1 AN ACT Relating to veteran diversion from involuntary commitment;  
2 reenacting and amending RCW 71.05.153 and 71.05.153; providing an  
3 effective date; and providing an expiration date.

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

5 **Sec. 1.** RCW 71.05.153 and 2020 c 302 s 16 and 2020 c 5 s 4 are  
6 each reenacted and amended to read as follows:

7 (1) When a designated crisis responder receives information  
8 alleging that a person, as the result of a behavioral health  
9 disorder, presents an imminent likelihood of serious harm, or is in  
10 imminent danger because of being gravely disabled, after  
11 investigation and evaluation of the specific facts alleged and of the  
12 reliability and credibility of the person or persons providing the  
13 information if any, the designated crisis responder may take such  
14 person, or cause by oral or written order such person to be taken  
15 into emergency custody in an evaluation and treatment facility,  
16 secure withdrawal management and stabilization facility if available  
17 with adequate space for the person, or approved substance use  
18 disorder treatment program if available with adequate space for the  
19 person, for not more than one hundred twenty hours as described in  
20 RCW 71.05.180.

1 (2) (a) Subject to (b) of this subsection, a peace officer may  
2 take or cause such person to be taken into custody and immediately  
3 delivered to a triage facility, crisis stabilization unit, evaluation  
4 and treatment facility, secure withdrawal management and  
5 stabilization facility, approved substance use disorder treatment  
6 program, or the emergency department of a local hospital under the  
7 following circumstances:

8 (i) Pursuant to subsection (1) of this section; or

9 (ii) When he or she has reasonable cause to believe that such  
10 person is suffering from a behavioral health disorder and presents an  
11 imminent likelihood of serious harm or is in imminent danger because  
12 of being gravely disabled.

13 (b) A peace officer's delivery of a person, to a secure  
14 withdrawal management and stabilization facility or approved  
15 substance use disorder treatment program is subject to the  
16 availability of a secure withdrawal management and stabilization  
17 facility or approved substance use disorder treatment program with  
18 adequate space for the person.

19 (3) Persons delivered to a crisis stabilization unit, evaluation  
20 and treatment facility, emergency department of a local hospital,  
21 triage facility that has elected to operate as an involuntary  
22 facility, secure withdrawal management and stabilization facility, or  
23 approved substance use disorder treatment program by peace officers  
24 pursuant to subsection (2) of this section may be held by the  
25 facility for a period of up to twelve hours, not counting time  
26 periods prior to medical clearance.

27 (4) Within three hours after arrival, not counting time periods  
28 prior to medical clearance, the person must be examined by a mental  
29 health professional or substance use disorder professional. Within  
30 twelve hours of notice of the need for evaluation, not counting time  
31 periods prior to medical clearance, the designated crisis responder  
32 must determine whether the individual meets detention criteria. In  
33 conjunction with this evaluation, the facility where the patient is  
34 located must inquire as to a person's veteran status or eligibility  
35 for veterans benefits and, if the person appears to be potentially  
36 eligible for these benefits, inquire whether the person would be  
37 amenable to treatment by the veterans health administration compared  
38 to other relevant treatment options. This information must be shared  
39 with the designated crisis responder. If the person has been  
40 identified as being potentially eligible for veterans health

1 administration services and as being amenable for those services, and  
2 if appropriate in light of all reasonably available information about  
3 the person's circumstances, the designated crisis responder must  
4 first refer the person to the veterans health administration for  
5 mental health or substance use disorder treatment at a facility  
6 capable of meeting the needs of the person including, but not limited  
7 to, the involuntary treatment options available at the Seattle  
8 division of the VA Puget Sound health care system. If the person is  
9 accepted for treatment by the veterans health administration, and is  
10 willing to accept treatment by the veterans health administration as  
11 an alternative to other available treatment options, the designated  
12 crisis responder, the veterans health administration, and the  
13 facility where the patient is located will work to make arrangements  
14 to have the person transported to a veterans health administration  
15 facility. The interview performed by the designated crisis responder  
16 may be conducted by video provided that a licensed health care  
17 professional or professional person who can adequately and accurately  
18 assist with obtaining any necessary information is present with the  
19 person at the time of the interview. If the individual is detained,  
20 the designated crisis responder shall file a petition for detention  
21 or a supplemental petition as appropriate and commence service on the  
22 designated attorney for the detained person. If the individual is  
23 released to the community, the behavioral health service provider  
24 shall inform the peace officer of the release within a reasonable  
25 period of time after the release if the peace officer has  
26 specifically requested notification and provided contact information  
27 to the provider.

28 (5) Dismissal of a commitment petition is not the appropriate  
29 remedy for a violation of the timeliness requirements of this section  
30 based on the intent of this chapter under RCW 71.05.010 except in the  
31 few cases where the facility staff or designated crisis responder has  
32 totally disregarded the requirements of this section.

33 **Sec. 2.** RCW 71.05.153 and 2020 c 302 s 17 and 2020 c 5 s 5 are  
34 each reenacted and amended to read as follows:

35 (1) When a designated crisis responder receives information  
36 alleging that a person, as the result of a behavioral health  
37 disorder, presents an imminent likelihood of serious harm, or is in  
38 imminent danger because of being gravely disabled, after  
39 investigation and evaluation of the specific facts alleged and of the

1 reliability and credibility of the person or persons providing the  
2 information if any, the designated crisis responder may take such  
3 person, or cause by oral or written order such person to be taken  
4 into emergency custody in an evaluation and treatment facility,  
5 secure withdrawal management and stabilization facility, or approved  
6 substance use disorder treatment program, for not more than one  
7 hundred twenty hours as described in RCW 71.05.180.

8 (2) A peace officer may take or cause such person to be taken  
9 into custody and immediately delivered to a triage facility, crisis  
10 stabilization unit, evaluation and treatment facility, secure  
11 withdrawal management and stabilization facility, approved substance  
12 use disorder treatment program, or the emergency department of a  
13 local hospital under the following circumstances:

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

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

19 (3) Persons delivered to a crisis stabilization unit, evaluation  
20 and treatment facility, emergency department of a local hospital,  
21 triage facility that has elected to operate as an involuntary  
22 facility, secure withdrawal management and stabilization facility, or  
23 approved substance use disorder treatment program by peace officers  
24 pursuant to subsection (2) of this section may be held by the  
25 facility for a period of up to twelve hours, not counting time  
26 periods prior to medical clearance.

27 (4) Within three hours after arrival, not counting time periods  
28 prior to medical clearance, the person must be examined by a mental  
29 health professional or substance use disorder professional. Within  
30 twelve hours of notice of the need for evaluation, not counting time  
31 periods prior to medical clearance, the designated crisis responder  
32 must determine whether the individual meets detention criteria. In  
33 conjunction with this evaluation, the facility where the patient is  
34 located must inquire as to a person's veteran status or eligibility  
35 for veterans benefits and, if the person appears to be potentially  
36 eligible for these benefits, inquire whether the person would be  
37 amenable to treatment by the veterans health administration compared  
38 to other relevant treatment options. This information must be shared  
39 with the designated crisis responder. If the person has been  
40 identified as being potentially eligible for veterans health

1 administration services and as being amenable for those services, and  
2 if appropriate in light of all reasonably available information about  
3 the person's circumstances, the designated crisis responder must  
4 first refer the person to the veterans health administration for  
5 mental health or substance use disorder treatment at a facility  
6 capable of meeting the needs of the person including, but not limited  
7 to, the involuntary treatment options available at the Seattle  
8 division of the VA Puget Sound health care system. If the person is  
9 accepted for treatment by the veterans health administration, and is  
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13 facility where the patient is located will work to make arrangements  
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18 assist with obtaining any necessary information is present with the  
19 person at the time of the interview. If the individual is detained,  
20 the designated crisis responder shall file a petition for detention  
21 or a supplemental petition as appropriate and commence service on the  
22 designated attorney for the detained person. If the individual is  
23 released to the community, the behavioral health service provider  
24 shall inform the peace officer of the release within a reasonable  
25 period of time after the release if the peace officer has  
26 specifically requested notification and provided contact information  
27 to the provider.

28 (5) Dismissal of a commitment petition is not the appropriate  
29 remedy for a violation of the timeliness requirements of this section  
30 based on the intent of this chapter under RCW 71.05.010 except in the  
31 few cases where the facility staff or designated crisis responder has  
32 totally disregarded the requirements of this section.

33 NEW SECTION. **Sec. 3.** Section 1 of this act expires July 1,  
34 2026.

35 NEW SECTION. **Sec. 4.** Section 2 of this act takes effect July 1,  
36 2026.

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