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**HOUSE BILL 1314**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** Representatives Young, Lovick, Dufault, Hackney, Bateman, Rule, Lekanoff, Pollet, and Callan

Read first time 01/20/21. Referred to Committee on Civil Rights & Judiciary.

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. The  
30 facility shall inquire as to a person's veteran status or eligibility  
31 for veteran's benefits and report to the veterans health  
32 administration, as soon as reasonably possible, and take into  
33 consideration the person's emergency care needs, when a person who  
34 has been identified as a veteran or a person who is eligible for  
35 veterans services is being treated for a mental health or substance  
36 use disorder. The facility must request a transfer to a veterans  
37 health administration facility for treatment. If the transfer request  
38 is approved by the veterans health administration, the person shall  
39 be released to the accepting veterans health administration facility  
40 upon medical clearance. Within twelve hours of notice of the need for

1 evaluation, not counting time periods prior to medical clearance, the  
2 designated crisis responder must determine whether the individual  
3 meets detention criteria. The interview performed by the designated  
4 crisis responder may be conducted by video provided that a licensed  
5 health care professional or professional person who can adequately  
6 and accurately assist with obtaining any necessary information is  
7 present with the person at the time of the interview. If the  
8 individual is detained, the designated crisis responder shall file a  
9 petition for detention or a supplemental petition as appropriate and  
10 commence service on the designated attorney for the detained person.  
11 If the individual is released to the community, the behavioral health  
12 service provider shall inform the peace officer of the release within  
13 a reasonable period of time after the release if the peace officer  
14 has specifically requested notification and provided contact  
15 information to the provider.

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

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

23 (1) When a designated crisis responder receives information  
24 alleging that a person, as the result of a behavioral health  
25 disorder, presents an imminent likelihood of serious harm, or is in  
26 imminent danger because of being gravely disabled, after  
27 investigation and evaluation of the specific facts alleged and of the  
28 reliability and credibility of the person or persons providing the  
29 information if any, the designated crisis responder may take such  
30 person, or cause by oral or written order such person to be taken  
31 into emergency custody in an evaluation and treatment facility,  
32 secure withdrawal management and stabilization facility, or approved  
33 substance use disorder treatment program, for not more than one  
34 hundred twenty hours as described in RCW 71.05.180.

35 (2) A peace officer may take or cause such person to be taken  
36 into custody and immediately delivered to a triage facility, crisis  
37 stabilization unit, evaluation and treatment facility, secure  
38 withdrawal management and stabilization facility, approved substance

1 use disorder treatment program, or the emergency department of a  
2 local hospital under the following circumstances:

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

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

8 (3) Persons delivered to a crisis stabilization unit, evaluation  
9 and treatment facility, emergency department of a local hospital,  
10 triage facility that has elected to operate as an involuntary  
11 facility, secure withdrawal management and stabilization facility, or  
12 approved substance use disorder treatment program by peace officers  
13 pursuant to subsection (2) of this section may be held by the  
14 facility for a period of up to twelve hours, not counting time  
15 periods prior to medical clearance.

16 (4) Within three hours after arrival, not counting time periods  
17 prior to medical clearance, the person must be examined by a mental  
18 health professional or substance use disorder professional. The  
19 facility shall inquire as to a person's veteran status or eligibility  
20 for veteran's benefits and report to the veterans health  
21 administration, as soon as reasonably possible, and take into  
22 consideration the person's emergency care needs, when a person who  
23 has been identified as a veteran or a person who is eligible for  
24 veterans services is being treated for a mental health or substance  
25 use disorder. The facility must request a transfer to a veterans  
26 health administration facility for treatment. If the transfer request  
27 is approved by the veterans health administration, the person shall  
28 be released to the accepting veterans health administration facility  
29 upon medical clearance. Within twelve hours of notice of the need for  
30 evaluation, not counting time periods prior to medical clearance, the  
31 designated crisis responder must determine whether the individual  
32 meets detention criteria. The interview performed by the designated  
33 crisis responder may be conducted by video provided that a licensed  
34 health care professional or professional person who can adequately  
35 and accurately assist with obtaining any necessary information is  
36 present with the person at the time of the interview. If the  
37 individual is detained, the designated crisis responder shall file a  
38 petition for detention or a supplemental petition as appropriate and  
39 commence service on the designated attorney for the detained person.  
40 If the individual is released to the community, the behavioral health

1 service provider shall inform the peace officer of the release within  
2 a reasonable period of time after the release if the peace officer  
3 has specifically requested notification and provided contact  
4 information to the provider.

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

10 NEW SECTION. **Sec. 3.** Section 1 of this act expires July 1,  
11 2026.

12 NEW SECTION. **Sec. 4.** Section 2 of this act takes effect July 1,  
13 2026.

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