

RCW 71.05.212 Evaluation—Consideration of information and records. (Contingent expiration date.) (1) Whenever a designated crisis responder or professional person is conducting an evaluation under this chapter, consideration shall include all reasonably available information from credible witnesses and records regarding:

(a) Prior recommendations for evaluation of the need for civil commitments when the recommendation is made pursuant to an evaluation conducted under chapter 10.77 RCW;

(b) Historical behavior, including history of one or more violent acts;

(c) Prior determinations of incompetency or insanity under chapter 10.77 RCW; and

(d) Prior commitments under this chapter.

(2) Credible witnesses may include family members, landlords, neighbors, or others with significant contact and history of involvement with the person. If the designated crisis responder relies upon information from a credible witness in reaching his or her decision to detain the individual, then he or she must provide contact information for any such witness to the prosecutor. The designated crisis responder or prosecutor shall provide notice of the date, time, and location of the probable cause hearing to such a witness.

(3) Symptoms and behavior of the respondent which standing alone would not justify civil commitment may support a finding of grave disability or likelihood of serious harm, or a finding that the person is in need of assisted outpatient treatment, when:

(a) Such symptoms or behavior are closely associated with symptoms or behavior which preceded and led to a past incident of involuntary hospitalization, severe deterioration, or one or more violent acts;

(b) These symptoms or behavior represent a marked and concerning change in the baseline behavior of the respondent; and

(c) Without treatment, the continued deterioration of the respondent is probable.

(4) When conducting an evaluation for offenders identified under RCW 72.09.370, the designated crisis responder or professional person shall consider an offender's history of judicially required or administratively ordered antipsychotic medication while in confinement. [2022 c 210 § 9; 2020 c 256 § 305; 2018 c 291 § 13; 2016 sp.s. c 29 § 226; 2015 c 250 § 5; (2011 2nd sp.s. c 6 § 2 expired July 1, 2014); 2010 c 280 § 2; 1999 c 214 § 5; 1998 c 297 § 19.]

Effective date—2018 c 291 §§ 1-4, 6, 7, 9, 11, 12, 13, and 15: See note following RCW 71.05.020.

Effective dates—2016 sp.s. c 29: See note following RCW 71.05.760.

Short title—Right of action—2016 sp.s. c 29: See notes following RCW 71.05.010.

Effective date—2013 c 335; 2011 2nd sp.s. c 6; 2010 c 280 §§ 2 and 3: "Sections 2 and 3 of this act take effect July 1, 2014." [2013 c 335 § 1; 2011 2nd sp.s. c 6 § 1; 2010 c 280 § 5.]

Expiration date—2013 c 335; 2011 2nd sp.s. c 6 § 2: "Section 2 of this act expires July 1, 2014." [2013 c 335 § 2; 2011 2nd sp.s. c 6 § 3.]

Effective date—2011 2nd sp.s. c 6: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [December 20, 2011], except for section 2 of this act which takes effect January 1, 2012." [2011 2nd sp.s. c 6 § 4.]

Intent—Effective date—1999 c 214: See notes following RCW 72.09.370.

Effective dates—Severability—Intent—1998 c 297: See notes following RCW 71.05.010.

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(c) Without treatment, the continued deterioration of the respondent is probable.

(4) When conducting an evaluation for offenders identified under RCW 72.09.370, the designated crisis responder or professional person shall consider an offender's history of judicially required or administratively ordered antipsychotic medication while in confinement. [2022 c 210 § 10. Prior: 2020 c 302 § 28; 2020 c 256 §

305; 2018 c 291 § 13; 2016 sp.s. c 29 § 226; 2015 c 250 § 5; (2011 2nd sp.s. c 6 § 2 expired July 1, 2014); 2010 c 280 § 2; 1999 c 214 § 5; 1998 c 297 § 19.]

Contingent effective date—2022 c 210 §§ 2 and 10; 2021 c 264 §§ 22 and 23; 2021 c 263 §§ 13 and 14; 2020 c 302 §§ 4 and 28: See note following RCW 71.05.020.

Effective date—2018 c 291 §§ 1-4, 6, 7, 9, 11, 12, 13, and 15: See note following RCW 71.05.020.

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