
ENGROSSED SUBSTITUTE HOUSE BILL 1448

State of Washington

64th Legislature

2015 Regular Session

By House Judiciary (originally sponsored by Representatives Riccelli, Holy, Parker, Ormsby, Caldier, Hayes, Jinkins, Walkinshaw, Gregerson, Appleton, Ryu, McBride, and Shea)

READ FIRST TIME 02/09/15.

1 AN ACT Relating to procedures for responding to reports of
2 threatened or attempted suicide; amending RCW 71.05.120; adding a new
3 section to chapter 71.05 RCW; and creating new sections.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that law enforcement
6 officers may respond to situations in which an individual has
7 threatened harm to himself or herself, but that individual does not
8 meet the criteria for involuntary commitment. In these situations,
9 officers are encouraged to facilitate a mental health evaluation in
10 order to protect the individual and the community. While the
11 legislature acknowledges that some law enforcement officers receive
12 mental health training, law enforcement officers are not mental
13 health professionals. It is the intent of the legislature that mental
14 health incidents are addressed by mental health professionals.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 71.05
16 RCW to read as follows:

17 (1) A peace officer who responds to a report of threatened or
18 attempted suicide and does not take the person who is the subject of
19 the report into custody may note in an incident report that the
20 person is in need of a mental health evaluation, or may otherwise

1 contact a designated mental health professional agency to notify the
2 agency that the person may need a mental health evaluation.

3 (2) An incident report noting a need for a mental health
4 evaluation must be forwarded to a local designated mental health
5 professional agency as soon as possible, but no later than forty-
6 eight hours from the entry of the incident report, excluding
7 Saturdays, Sundays, and holidays.

8 (3) As soon as possible, but no later than twelve hours from
9 receiving the incident report or other notice under this section, a
10 mental health professional assigned by the designated mental health
11 professional agency must attempt to contact the person who is the
12 subject of the report to determine whether additional mental health
13 intervention is necessary including, if needed, an assessment by a
14 designated mental health professional for initial detention under RCW
15 71.05.150 or 71.05.153. Documentation of the mental health
16 professional's attempt to contact and assess the person must be
17 maintained by the designated mental health professional agency.

18 (4) By January 1, 2016, law enforcement agencies must have a
19 system in place for officers to document, as part of an incident
20 report, the need for a mental health evaluation of a person who is
21 the subject of a report of threatened or attempted suicide. The
22 Washington association of sheriffs and police chiefs must assist
23 local jurisdictions in establishing systems and protocols to satisfy
24 this requirement, and must also assist local jurisdictions in
25 establishing alternative systems and protocols for notifying
26 designated mental health professional agencies when a person who is
27 the subject of a report of threatened or attempted suicide is in need
28 of a mental health evaluation.

29 **Sec. 3.** RCW 71.05.120 and 2000 c 94 s 4 are each amended to read
30 as follows:

31 (1) No officer of a public or private agency, nor the
32 superintendent, professional person in charge, his or her
33 professional designee, or attending staff of any such agency, nor any
34 public official performing functions necessary to the administration
35 of this chapter, nor peace officer responsible for detaining a person
36 pursuant to this chapter, nor any ((~~county~~)) designated mental health
37 professional, nor the state, a unit of local government, or an
38 evaluation and treatment facility shall be civilly or criminally
39 liable for performing duties pursuant to this chapter with regard to

1 the decision of whether to admit, discharge, release, administer
2 antipsychotic medications, or detain a person for evaluation and
3 treatment: PROVIDED, That such duties were performed in good faith
4 and without gross negligence.

5 (2) Peace officers and their employing agencies shall not be
6 liable for providing or not providing notification under section 2 of
7 this act if such action or inaction is taken in good faith and
8 without gross negligence.

9 (3) This section does not relieve a person from giving the
10 required notices under RCW 71.05.330(2) or 71.05.340(1)(b), or the
11 duty to warn or to take reasonable precautions to provide protection
12 from violent behavior where the patient has communicated an actual
13 threat of physical violence against a reasonably identifiable victim
14 or victims. The duty to warn or to take reasonable precautions to
15 provide protection from violent behavior is discharged if reasonable
16 efforts are made to communicate the threat to the victim or victims
17 and to law enforcement personnel.

18 NEW SECTION. **Sec. 4.** This act may be known and cited as Sheena
19 and Chris Henderson's law.

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