

Judicial Impact Fiscal Note

Bill Number: 1713 HB	Title: Mental hlth, chem dependency	Agency: 055-Admin Office of the Courts
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Part I: Estimates

☒ **No Fiscal Impact**

The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.

Check applicable boxes and follow corresponding instructions:

- ☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.

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Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact on the Courts

Summary:

This bill would combine persons needing treatment for chemical dependency within the current involuntary treatment for mental health system, effective April 1, 2016. Effective 60 days after the end of the legislative session would be a few modifications to the procedures and proof of the current system.

Sections with potential court impact:

Part I: Chemical Dependency Involuntary Treatment Provisions

Section 101 would amend RCW 70.96A.020 to define “commitment,” “mental health professional,” and “psychiatric advanced registered nurse practitioner.”

Section 102 would amend RCW 70.96A.140 to revise the procedures to file a petition for either inpatient chemical dependency treatment or a less restrictive alternative (hereafter “LRA”). Subsection 4 would change the standard of proof for the court to order detention or an LRA from clear, cogent, and convincing proof to a preponderance of the evidence. Subsection 4 would also require, before treatment at an LRA is ordered, the treating program to agree to the plan in writing. Subsection 5 would limit inpatient treatment under this section to no more than 14 days, and an LRA under this section would be limited to no more than 90 days. Either may be extended for an additional 90 days if a petition to the court is filed and approved by the court. Subsection 6 would require proof by clear, cogent, and convincing evidence to extend treatment by an additional 90 days. Subsection 12 would require that revocation of LRA treatment would be governed by the same grounds and procedures as creating the LRA treatment.

Section 103 would amend RCW 70.96A.145 to require the prosecuting attorney for the county to represent the chemical dependency specialist or treatment program in the above proceedings. Currently, the prosecuting attorney has discretion to act.

Part II: Integrated System

Sections 201 and 202 would add new sections to 71.05 RCW that would, by April 1, 2016, combine the functions of a designated mental health professional and a designated chemical dependency specialist, with the new position to be called a designated crisis responder.

Section 203 would amend RCW 71.05.020 to delete the definitions for designated mental health professional and designated chemical dependency specialist. The definition of “gravely disabled” would include a disability resulting from the use of alcohol or other psychoactive chemicals. Other definitions would be amended to include similar references. New definitions of “approved treatment program,” “chemical dependency,” “chemical dependency professional,” “intoxicated person,” “licensed physician,” and “secure detoxification facility” would be added.

Sections 204 through 239 would amend various sections within chapter 71.05 RCW, which applies to involuntary mental health treatment for adults, to effect the changes describe above.

Sections 240 through 259 would amend various sections within chapter 71.34 RCW, which applies to involuntary mental health treatment for minors, to effect the changes describe above.

Section 260 would amend RCW 9.41.040(2)(iii) to amend the crime of unlawful possession of a firearm in the second degree to include where the person has been involuntarily committed for chemical dependency treatment, in the same manner as a person who has been involuntarily committed for mental health treatment is now.

Section 261 would amend RCW 9.41.047 to prohibit a person has been involuntarily committed for chemical dependency treatment from possessing a firearm.

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Part III: Repealers

Section 301 would repeal a number of statutes in chapter 70.96A RCW (Treatment for alcoholism, intoxication, and drug addiction), chapter 70.96B RCW (Integrated crisis response and involuntary treatment -- Pilot programs), and RCW 71.05.032 (Joinder of petitions for commitment), made unnecessary by the changes above, effective April 1, 2016.

Part IV: Corrections to References

Sections 401 through 431 would correct references to statutes throughout the revised code which would be necessary based on the changes above.

Part V: Effective Date

Sections 501 and 502 would make the changes described above in Part II and Part IV effective April 1, 2016.

Note: The sections of Part I would become effective 60 days after the end of this legislative session. Part III would become effective April 1, 2016, by its own terms.

Anticipated Fiscal Impact:

Based upon information provided, it is assumed that there would be minimal financial impact to the superior courts statewide from the amendments/provisions in this bill. There are two potential impacts: (1) the impact from the changes to the system, and (2) the impact from increasing the number of persons who would be prohibited from possessing a firearm. While the first impact would cause some significant changes to the way involuntary mental health and chemical dependency cases are handled, it is not expected that those changes would require significant additional court time in each case.

The second potential impact is also expected to be small. By expanding the number of persons who are prohibited from possessing a firearm, it is possible that there would be an increase in the number of felony charges filed for unlawful possession of a firearm. It is most likely, though, that the increase would be small as a result of the provisions of this bill. There is a finite amount of superior court judicial officer time available to hear criminal cases throughout the state. Whenever additional caseload creates a need for additional judicial officers, the system absorbs that need. The system accommodates such changes partially by delaying criminal and juvenile cases and partly by lengthening the backlog for civil trials. Small increases in FTE need may be absorbed by the system, but there is a cumulative effect from multiple bills in a session or over a series of years that can result in a shortage of judges and commissioners relative to the judicial need expressed in caseload.

II. B - Cash Receipts Impact

II. C - Expenditures

Part III: Expenditure Detail

Part IV: Capital Budget Impact