

# JUDICIAL IMPACT FISCAL NOTE

<b>Bill Number:</b> 5720 SB 5720-S2.E AMS...S5361.1	<b>Title:</b> Involuntary Treatment Act	<b>Agency:</b> 055 – Administrative Office of the Courts (AOC)
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## Part I: Estimates

☐ **No Fiscal Impact**

### Estimated Cash Receipts to:

	FY 2020	FY 2021	2019-21	2021-23	2023-25
<b>Total:</b>					

### Estimated Expenditures from:

STATE	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE – Staff Years					
<b>Account</b>					
General Fund – State (001-1)		25,000	25,000		
State Subtotal		25,000	25,000		
<b>COUNTY</b>					
County FTE Staff Years					
<b>Account</b>					
Local - Counties					
Counties Subtotal					
<b>CITY</b>					
City FTE Staff Years					
<b>Account</b>					
Local – Cities					
Cities Subtotal					
Local Subtotal					
<b>Total Estimated Expenditures:</b>		<b>25,000</b>	<b>25,000</b>		

*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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Agency Approval: Ramsey Radwan	Phone: 360-357-2406	Date:
OFM Review:	Phone:	Date:



## Part II: Narrative Explanation

This bill would increase initial detention under the Involuntary Treatment Act (ITA) from seventy-two hours to one hundred twenty hours, not to include weekends and holidays, beginning January 1, 2020.

The bill would modify definitions for various aspects of the ITA.

This bill amendment would provide technical corrections to align amended language in sections with multiple effective dates. The amendment would remove an obsolete definition of “information related to behavioral health” in the adult and minor Involuntary Treatment Act. The amendment would define “video” under the ITA as the delivery of behavioral health services through the use of interactive audio and visual technology that would permit real-time communication between a person and a designated crisis responder for the purposes of evaluation. The amendment would provide that a designated crisis responder may perform ITA evaluations by video (as defined) provided that a licensed health care professional is present.

**NOTE:** This version differs from the previous version by making technical updates for the 2020 legislative session, adjusting dates forward one year and updating bill sections to reflect current law. This version replaces references to “five days” to “one hundred twenty hours” in the context of the length of the initial detention period.

### Part II.A – Brief Description of what the Measure does that has fiscal impact on the Courts

The bill would provide that the period of initial detention under the ITA would be increased from seventy-two hours to one hundred twenty hours, excluding weekends and holidays, beginning January 1, 2021.

The bill would expand the definition of “likelihood of serious harm” to include a risk of physical harm evidenced by harm, substantial pain, or which places a person in reasonable fear of harm to themselves or others.

The bill would modify the definition of “gravely disabled” to change “manifests severe deterioration in routine functioning” to “manifests severe deterioration from safe behavior.”

The bill would provide that interpreters in an involuntary commitment hearing may appear by video unless a court on its own motion for good cause requires all parties and witnesses to appear in person.

The bill would provide that a court may authorize involuntary medication as part of an LRA order if the person was provided with involuntary medication during the involuntary commitment period.

The bill would provide that a court order for a peace officer to detain a person for involuntary treatment must be entered in the Washington Crime Information Center database as a written order of apprehension.

The bill would provide that surety hearing processes are eliminated when a superior court reviews the failure of a facility to detain a person who has been released from jail after the dismissal of serious non-felony charges based on incompetency to stand trial.



The bill would provide that a court may request a modification to a less restrictive alternative (LRA) order. The LRA revocation period would be clarified to consist of fourteen days if it follows a probable cause hearing or period of assisted outpatient behavioral health treatment and otherwise the number of days left until the expiration of the LRA order.

The bill would provide that the time frame to file a 180-day petition for additional treatment of a minor would be shortened to three days instead of five days before the end of the current commitment period.

The bill would include various provisions from adult ITA into the minor ITA and would be applied to persons under eighteen years of age:

- Joel's Law, which provides specific procedures allowing a family member, guardian, or conservator of a person to appeal the decision of a designated crisis responder (DCR) to not detain an individual for review in superior court;
- Intent provisions emphasizing strong consideration of a prior behavioral health history during commitment decisions and a substantive provision that requires DCRs to consider information from all credible witnesses and to construe current symptoms and behavior in conjunction with historical behavior when analyzing grave disability;
- Intent provisions instructing the courts to focus on the merits of involuntary commitment petitions except when procedural requirements have been totally disregarded, referencing the *parens patrie* and police powers of the state, and substantive provisions stating that dismissal is not the appropriate remedy for violations of certain timeliness requirements except where those requirements have been totally disregarded;
- Mandatory components of LRA treatment which must be provided by community behavioral health agencies to persons who are court-ordered to receive LRA treatment;
- Authorization for a peace officer to take a person into custody and deliver them to an appropriate triage facility, crisis stabilization unit, secure detox, approved substance use disorder treatment program, or emergency department based on reasonable cause to believe the person is detainable under the ITA;
- Authorization for a peace officer to detain a person who has been arrested for up to eight hours at secure detox or approved substance use disorder treatment program for consideration of admission to a treatment program instead of further criminal justice proceedings;
- A duty to warn or take reasonable precautions to protect others from violent behavior, which the facility may discharge by reasonable efforts to communicate the threat to a victim or victims and law enforcement personnel; and
- Authorization for a facility to allow a person who is detained for treatment to leave the facility for temporary periods under appropriate conditions.

## **II.B - Cash Receipt Impact**

None.

## **II.C – Expenditures**

Information technology systems would require modification, estimated at 300 hours, to modify cause codes, docket codes, forms, caseload reporting categories, manuals, and training materials. Cost is estimated at 300 hours x \$50/hour equals \$15,000.

Existing forms and instructions and the Mental Health Benchbook would require revisions. These revisions are estimated at \$10,000.

Judicial education would be required. This would be managed within existing resources.



## Part III: Expenditure Detail

### III.A – Expenditures by Object or Purpose

	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE – Staff Years					
A – Salaries & Wages					
B – Employee Benefits					
C – Prof. Service Contracts					
E – Goods and Services		25,000	25,000		
G – Travel					
J – Capital Outlays					
P – Debt Service					
<b>Total:</b>		<b>25,000</b>	<b>25,000</b>		