

CHAPTER 196.

[Sub. H. B. 265.]

MENTALLY ILL—APPREHENSION, DETENTION.

AN ACT relating to mentally ill persons; adding a new chapter to Title 71 RCW; amending section 71.02.120, chapter 25, Laws of 1959 and RCW 71.02.120; amending section 71.02-.130, chapter 25, Laws of 1959 and RCW 71.01.130; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. There is added to Title 71 RCW a new chapter to read as set forth in sections 2 through 8 of this act. New chapter.

SEC. 2. The term "mentally ill persons" as used in this chapter has the meaning given in RCW 71.02.010. "Mentally ill persons" defined.

SEC. 3. This chapter shall be liberally construed so that mentally ill persons may receive humane care, treatment and custody and be restored to normal mental condition as rapidly as possible. Construction—Purpose.

Nothing in this chapter shall be construed as affecting the laws of this state relating to the criminally insane or insane inmates of penal institutions.

SEC. 4. Whenever any person becomes so mentally ill as to be dangerous to himself or others, or to property, and to require immediate care, treatment, or restraint, any sheriff, peace officer, superintendent, or chief medical officer in charge of a hospital licensed by the state of Washington, who has reasonable cause to believe such is the case, may apprehend and/or detain such person in custody for his best interest and protection pursuant to the provisions of this chapter. Apprehension authorized.

SEC. 5. Whenever any person believed to be mentally ill is apprehended or detained: Procedure upon apprehension.

(1) He and his next of kin shall be advised immediately by such sheriff, peace officer, superintendent, or chief medical officer as to his right to counsel, and shall be allowed to communicate immediately with counsel, of his own choosing.

(2) His legal guardian, spouse, or next of kin, if known, shall be notified of his apprehension or detention by such sheriff, peace officer, superintendent, or chief medical officer, using the quickest means available.

(3) He shall be examined immediately, which shall be within twelve hours thereafter, by a licensed physician and if found not to be mentally ill, he shall be released forthwith.

When mentally ill, procedure.

SEC. 6. If found by the physician to be mentally ill, the person may be admitted and/or detained, and treated in any hospital licensed by the state of Washington or any establishment licensed under the provisions of 71.12 RCW, or in quarters designated by the court for the detention of mentally ill persons, for a period not to exceed seventy-two hours upon the written application of such sheriff, peace officer, superintendent or chief medical officer.

The treatment referred to in this section and the following sections, except for emergency surgery, shall be limited to medications and treatment procedures temporary and moderate in effect, and for the benefit of the person detained, pending court proceedings.

The application shall state the circumstances under which the person's condition was called to the attention of the applicant, and shall contain a signed statement by the examining physician that, in his opinion, the person is mentally ill.

A copy of the application shall be forwarded immediately to the prosecuting attorney or such other person as the superior court of that county may have designated to receive such copies.

SEC. 7. The superintendent or chief medical officer of the hospital, or quarters designated by the court for detention of mentally ill persons, shall detain, care for and treat persons admitted under the provisions of section 6 for a period not to exceed seventy-two hours. Within seventy-two hours the person shall be discharged from the institution in which detained, unless an application be made as provided by RCW 71.02.090 and an order for detention, care and treatment of such person be issued by the court, or unless admitted as a patient under other provisions of law.

Discharge—
Order of
detention.

SEC. 8. The costs of care, treatment and maintenance of all persons detained under the authority of this chapter who are released within seventy-two hours shall be borne by the county, and the county shall enter into agreements with the administrative authorities designated in section 7 and appropriate sufficient funds therefor.

Costs, pay-
ment of.

The county shall have the right to recover from all persons detained under the authority of this chapter less than seventy-two hours for all costs paid by the county: *Provided*, That costs shall not be recoverable from persons detained under this act who are found not to have such mental condition as would render them dangerous to themselves or others.

SEC. 9. Section 71.02.120, chapter 25, Laws of 1959 and RCW 71.02.120 are each amended to read as follows:

RCW 71.02.120
amended.

Upon the filing of such application the court shall issue an order setting a date for hearing and examination. Such application may contain a statement to the effect that immediate apprehension and detention is necessary to safeguard the lives and property of the alleged mentally ill person or others. If such statement is contained in the application, the court shall issue an order of apprehension directing

Detention
following
application.

that the alleged mentally ill person be immediately apprehended and detained for care, treatment and custody pending hearing and examination. The sheriff or other person as designated by the court, shall execute the order of apprehension.

RCW 71.02.130 amended.

SEC. 10. Section 71.02.130, chapter 25, Laws of 1959 and RCW 71.02.130 are each amended to read as follows:

Detention wards, counties.

There shall be set aside in each county of the state of Washington having a county hospital, such portions of such hospital as may be necessary for the detention, observation, and treatment of those persons detained under the provisions of this chapter pending further proceedings. In each such hospital there shall be separate detention wards for males and females. The superior court may order the examination and treatment of such persons by medical personnel for the purpose of obtaining testimony as to the alleged mentally ill person's condition. Such observation and treatment period shall not exceed sixty days unless a jury trial has been demanded: *Provided*, That in all counties having no county hospital, the court may designate as a detention ward the nearest state hospital for the mentally ill or such other place of detention and treatment as it may deem suitable for the purpose of this chapter, and the superintendents of the state hospitals for the mentally ill so designated shall admit such persons committed thereto in accordance with the provisions of this section: *Provided further*, That liability for the cost of detention, observation, and treatment in a state hospital and responsibility for transportation to the hospital and return of the patient to the court shall be upon the county of the committing court.

Examination of patient—Duration.

Costs as to state hospitals, liability for.

Emergency.

SEC. 11. This act is necessary for the immediate preservation of the public peace, health and safety,

the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House February 25, 1959.

Passed the Senate March 9, 1959.

Approved by the Governor March 19, 1959.

CHAPTER 197.

[S. B. 88.]

EXCISE TAXES—REPORTING, RETURNS, EXEMPTIONS.

AN ACT relating to revenue and taxation; amending section 13, chapter 180, Laws of 1935 and RCW 82.04.490; amending section 23, chapter 180, Laws of 1935 as last amended by section 3, chapter 44, Laws of 1951, and RCW 82.08.070; amending section 25, chapter 180, Laws of 1935 as last amended by section 9, chapter 178, Laws of 1941, and RCW 82.08.090 and 82.08.100; amending section 34, chapter 180, Laws of 1935 as last amended by section 17, chapter 225, Laws of 1939, and RCW 82.12.050; amending section 11, chapter 178, Laws of 1941 and RCW 82.12.060 and 82.12.070; amending section 42, chapter 180, Laws of 1935 and RCW 82.16.070; amending section 34, chapter 389, Laws of 1955 and RCW 82.28.040; amending section 192, chapter 180, Laws of 1935 as last amended by section 1, chapter 110, Laws of 1955, and RCW 82.32.090; amending section 11, chapter 180, Laws of 1935, as last amended by section 2, chapter 249, Laws of 1945, and RCW 82.04.300 through 82.04.420; amending section 39, chapter 180, Laws of 1935 and RCW 82.16.040; amending section 15, chapter 180, Laws of 1935 and RCW 82.04.510; and declaring an emergency with the effective date April 1, 1959.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. Section 13, chapter 180, Laws of 1935 and RCW 82.04.490 are each amended to read as follows:

RCW 82.04.490
amended.

The taxes imposed hereunder shall be due and payable in monthly installments and remittance therefor shall be made on or before the fifteenth day of the month next succeeding the end of the