

on a basis determined by the amount of present or proposed ATV trails or areas on which they permit ATV use. Such distribution shall be reviewed and may be revised by the committee at least once each biennium. These moneys shall be expended by each agency only for all-terrain vehicle trail and area related expenses.

Passed the House February 13, 1974.
Passed the Senate February 12, 1974.
Approved by the Governor February 19, 1974, with the exception of a certain item which was vetoed.
Filed in Office of Secretary of State February 26, 1974.
Note: Governor's explanation of partial veto is as follows:
"I am returning herewith without my approval as to a certain item House Bill No. 1423 entitled:
"AN ACT Relating to motor vehicle fuel excise taxes."
Veto
Message

It is my understanding that the amendatory language of Section 3 was proposed to amend RCW 46.09.170, which limited the amount of motor vehicle fuel tax collections attributable to all-terrain vehicles refundable to other state agencies for development of ATV road and trails to one million dollars for the 1971-73 biennium. As amended, it would provide that the limit be changed to 1% of motor vehicle fuel tax revenues for the 1973-75 biennium. That language, however, includes an item which, contrary to the intent of its proponents, would limit the refunds to 1% of motor vehicle fuel tax revenues solely for the balance of the 1973-75 biennium from and after the effective date of the bill. In order to restore the original legislative intent of the section, I have determined to veto the referenced item.

With the exception of the foregoing item which I have vetoed, the remainder of House Bill No. 1423 is approved."

CHAPTER 145
[Substitute House Bill No. 1525]
CIVIL COMMITMENT

AN ACT Relating to civil commitment; amending section 71.05.560, Laws of 1959 as amended by section 1, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.12.560; amending section 72.23.010, chapter 28, Laws of 1959 as amended by section 3, chapter 142, Laws of 1973 1st ex. sess. and RCW 72.23.010; amending section 72.23.070, chapter 28, Laws of 1959 as last amended by section 1, chapter 24, Laws of 1973 2nd ex. sess. and RCW 72.23.070; amending section 8, chapter 142, Laws of 1973 1st ex. sess. as amended by section 2, chapter 24, Laws of 1973 2nd ex. sess. and RCW 71.05.030; amending section 9, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.040; amending section 10, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.050; amending section 17, chapter 142, Laws of 1973 1st ex. sess. as amended by section 5, chapter 24, Laws of 1973 2nd ex. sess. and RCW 71.05.120; amending section 20, chapter 142,

Laws of 1973 1st ex. sess. and RCW 71.05.150; amending section 21, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.160; amending section 22, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.170; amending section 23, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.180; amending section 24, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.190; amending section 25, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.200; amending section 26, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.210; amending section 28, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.230; amending section 29, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.240; amending section 30, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.250; amending section 31, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.260; amending section 33, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.280; amending section 34, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.290; amending section 35, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.300; amending section 36, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.310; amending section 37, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.320; amending section 39, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.340; amending section 41, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.360; amending section 42, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.370; amending section 44, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.390; amending section 49, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.440; amending section 53, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.480; amending section 56, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.510; and declaring an emergency.

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

Section 1. Section 71.12.560, chapter 25, Laws of 1959, as amended by section 1, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.12.560 are each amended to read as follows:

The person in charge of any private institution, hospital, or sanitarium which is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill or deranged may receive therein as a voluntary patient any person suffering from mental illness or derangement who is a suitable person for care and treatment in the institution, hospital, or sanitarium, who voluntarily makes a written application to the person in charge for admission into the institution, hospital or sanitarium(, and who is at the time of making the application mentally competent to make

the application)). ((Upon the admission of)) After six months of continuous inpatient treatment as a voluntary patient ((to)) in a private institution, hospital, or sanitarium, the person in charge shall ((immediately)) forward to the office of the department of social and health services a record of the voluntary patient showing the name, residence, age, sex, place of birth, occupation, marital status, date of admission to the institution, hospital, or sanitarium, and such other information as may be required by rule of the department of social and health services.

Sec. 2. Section 72.23.010, chapter 28, Laws of 1959 as amended by section 3, chapter 142, Laws of 1973 1st ex. sess. and RCW 72.23.010 are each amended to read as follows:

As used in this chapter, the following terms shall have the following meanings:

"Mentally ill person" shall mean any person who, pursuant to the definitions contained in RCW 71.05.020, as a result of a mental disorder presents a likelihood of serious harm to others or himself or is gravely disabled.

"Patient" shall mean a person under observation, care or treatment in a state hospital, or a person found mentally ill by the court, and not discharged from a state hospital, or other facility, to which such person had been ordered hospitalized.

"Licensed physician" shall mean an individual ((licensed)) permitted to practice as a physician under the laws of the state, or a medical officer, similarly qualified, of the government of the United States while in this state in performance of his official duties.

"State hospital" shall mean any hospital operated and maintained by the state of Washington for the care of the mentally ill.

"Superintendent" shall mean the superintendent of a state hospital.

"Court" shall mean the superior court of the state of Washington.

"Resident" shall mean a resident of the state of Washington.

Wherever used in this chapter, the masculine shall include the feminine and the singular shall include the plural.

Sec. 3. Section 72.23.070, chapter 28, Laws of 1959 as last amended by section 1, chapter 24, Laws of 1973 2nd ex. sess. and RCW 72.23.070 are each amended to read as follows:

Pursuant to rules and regulations established by the department, a ((state hospital)) public or private facility may receive any person who is a suitable person for care and treatment as mentally ill, or for observation as to the existence of mental

illness, upon the receipt of a written application of the person, or others on his behalf, in accordance with the following requirements:

(1) In the case of a person eighteen years of age or over, the application shall be voluntarily made by the person (~~at a time when he is in such condition of mind as to render him aware of the significance of his act~~);

(2) In the case of a person (~~under eighteen~~) thirteen years of age or under, the application (~~shall~~) may be voluntarily made by his parents, or by the parent, conservator, guardian, or other person entitled to his custody when such person is more than thirteen years of age, such application must be accompanied by the written consent, knowingly and voluntarily given, of the minor. All such voluntary applications to a public facility shall be reviewed by the county mental health professionals, who shall submit a written report and evaluation with recommendations to the superintendent of (~~the state hospital~~) such facility to which such application is made stating whether treatment is necessary and proper on a voluntary basis and evaluating the reasons for voluntary commitment. Such person's condition and status shall be reviewed by the professional person in charge of the facility or his designee at least once each one hundred eighty days. A person under eighteen years of age received into a (~~state hospital~~) public facility as a voluntary patient shall not be retained after he reaches eighteen years of age, but such person, upon reaching eighteen years of age, may apply for admission into a (~~state hospital~~) public or private facility as a voluntary patient (~~at~~).

(3) No minor over thirteen years of age shall be involuntarily committed to a state or private facility for care and treatment as mentally disordered, or for observation as to the existence of mental disorder, except in accordance with the following requirements:

(a) The facility must be certified by the department of social and health services to provide evaluation and treatment to persons under eighteen years of age suffering from mental disorders: PROVIDED, That a physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility: PROVIDED FURTHER, That a facility which is part of, or a part of, or operated by, the department of social and health services or any federal agency will not require certification.

(b) A petition shall be filed with the juvenile court by the person's parent, parents, conservator, guardian, or by the juvenile court itself. The petition shall set forth the reasons why commitment is necessary and what alternative courses of treatment have been explored. The juvenile court shall then conduct a hearing,

at which the person under eighteen years of age shall be represented by an attorney, to determine whether commitment is clearly in the best interests of the person sought to be committed, and that no less restrictive alternative exists: PROVIDED, That, if in the opinion of the designated county mental health professional a minor presents an imminent likelihood of serious harm to himself or others, he may be temporarily detained for up to seventy-two hours by a licensed facility pending petition to the juvenile court for further commitment.

(c) If the juvenile court determines that commitment is clearly necessary, it will issue an order approving such petition. If the juvenile court determines that a less restrictive alternative is desirable, it may order that alternatives be followed.

(d) If a person under the age of eighteen years is committed to a state or private facility pursuant to this section, the juvenile court recommending commitment shall require a report from the facility every one hundred eighty days that sets forth such facts as the juvenile court may require. Upon receipt of the report, the juvenile court shall undertake a review of the status of such person to determine whether or not it is still clearly in the best interests of the patient that he remain in the facility. If the juvenile court determines that further commitment is not clearly in the best interests of the patient, it shall order release upon such conditions as it deems necessary.

(e) Every person under the age of eighteen shall specifically have all the rights provided for by sections 26 and 29 of this 1974 amendatory act, except that the juvenile court rather than the superior court shall be responsible for any proceedings. A voluntarily admitted minor over thirteen years of age shall have the right to release on the next judicial day from the date of request unless a petition is filed in juvenile court by the professional person in charge of the facility or his designee on the grounds that the juvenile is dangerous to himself or others or that it would be in the best interests of the juvenile that he remain in the facility. Furthermore, should the patient and his parent, parents, conservator, or guardian both request his release, he shall be immediately released unless the professional person in charge of the facility objects immediately in writing to the juvenile court on the grounds that the person is dangerous to himself or others and that it would not be in the patient's best interests to be released. Should this occur, the juvenile court that originally recommended the commitment shall hold a hearing on the issue within five judicial days and determine whether the person should be released.

(f) Nothing in this section shall prohibit the professional person in charge of the facility in which the person is being treated from releasing him at any time when, in the opinion of said professional person, further commitment would no longer be in the best interests of the patient.

Whenever a person is released by the professional person in charge of a facility under this section, said person shall, in writing, notify the juvenile court which committed the person for treatment.

(4) In the case of a person eighteen years of age or over for whom a conservator or guardian of the person has been appointed, such application shall be made by said conservator or guardian, when so authorized by proper court order in the conservatorship or guardianship proceedings.

Sec. 4. Section 8, chapter 142, Laws of 1973 1st ex. sess. as amended by section 2, chapter 24, Laws of 1973 2nd ex. sess. and RCW 71.05.030 are each amended to read as follows:

~~((1))~~ Persons suffering from a mental disorder may not be involuntarily committed for treatment of such disorder except pursuant to provisions of this chapter, chapter 10.76 RCW or its successor, chapter 71.06 RCW, transfer pursuant to RCW 72.68.031 through 72.68.037, or pursuant to court ordered evaluation and treatment not to exceed ninety days pending a criminal trial or sentencing. ~~((Persons impaired by chronic alcoholism or drug abuse may receive services pursuant to this chapter if they so elect, unless proceedings have been initiated under the provisions of the Washington Uniform Alcoholism and Intoxication Treatment Act, *chapter 92, Laws of 1973 (chapter 70-96A RCW):~~

~~(2) No person under the age of eighteen years shall be involuntarily provided with, detained, certified, or committed for evaluation or treatment pursuant to the provisions of this chapter unless written authorization has been obtained from such person's parent, parents, conservator, or legal guardian, or pursuant to proceedings of the juvenile court under chapter 13.04 RCW.)~~

Sec. 5. Section 9, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.040 are each amended to read as follows:

Persons who are epileptics, mentally deficient, mentally retarded, impaired by chronic alcoholism or drug abuse, or senile shall not be detained for evaluation and treatment or judicially committed solely by reason of that condition unless such condition causes a person to be gravely disabled or constitutes a likelihood of serious harm to self or others: PROVIDED, That a person shall not be subject to the provisions of this chapter if proceedings have been

initiated under the provisions of the Washington Uniform Alcoholism and Intoxication Treatment Act, chapter 70.96A RCW.

Sec. 6. Section 10, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.050 are each amended to read as follows:

Nothing in this chapter shall be construed to limit the right of any person to apply voluntarily to any public or private agency or practitioner for treatment of a mental disorder, either by direct application or by referral. Any person voluntarily admitted for inpatient treatment to any public or private agency shall be released immediately upon his request. Any person voluntarily admitted for inpatient treatment to any public or private agency shall ~~((7))~~ orally ~~((and in writing;))~~ be advised of ~~((such))~~ the right to immediate release and further advised of such ((other)) rights in writing as are secured to them pursuant to this chapter and their rights of access to attorneys, courts, and other legal redress. Their condition and status shall be reviewed at least once each one hundred eighty days for evaluation as to the need for further treatment and/or possible release, at which time they shall again be advised of their right to release upon request: PROVIDED HOWEVER, That if the staff of any public or private agency regards a person voluntarily admitted as dangerous to himself or others or gravely disabled as defined by this act, they may detain such person for a reasonable
V length of time, not to exceed four days, sufficient to notify the designated county mental health professional of such person's condition to enable such mental health professional to authorize such person being further held in custody or transported to an evaluation and treatment center pursuant to the provisions of this act.

Sec. 7. Section 17, chapter 142, Laws of 1973 1st ex. sess. as amended by section 5, chapter 24, Laws of 1973 2nd ex. sess. and RCW 71.05.120 are each amended to read as follows:

No officer of a public or private agency ~~((initiating or providing treatment pursuant to this chapter))~~, nor the superintendent, professional person in charge, his professional designee, or attending staff of any such agency, nor any public official performing functions necessary to the administration of this chapter, nor peace officer responsible for detaining a person pursuant to this chapter shall be civilly or criminally liable for ~~((performing duties prescribed by this chapter))~~ detaining or releasing a person pursuant to this 1974 amendatory act at or before the end of the period for which he was admitted or committed for evaluation or treatment: PROVIDED, That such duties were performed in good faith and without gross negligence.

Sec. 8. Section 20, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.150 are each amended to read as follows:

(1) (a) When a mental health professional designated by the county receives information alleging that a person, as a result of a mental disorder, presents a likelihood of serious harm to others or himself, or is gravely disabled, such mental health professional, after investigation and evaluation of the specific facts alleged, and of the reliability and credibility of the person or persons, if any, providing information to initiate detention, may summon such person to appear at an evaluation and treatment facility for not more than a seventy-two hour evaluation and treatment period. The mental health professional shall also designate, at the time of the summons, from a list provided by the court, an attorney who will be appointed, if any is to be appointed, and state the name, business address, and telephone number of this attorney in the summons.

(b) The summons shall state a date and time to appear not less than twenty-four hours after the service of the summons ((notice of rights; and statement of specific facts required by REW 74:05-200 is served on such person)). The summons shall state the address of the evaluation and treatment facility to which such person is to report and the business address and phone number of the mental health professional designated by the county. The summons shall state that if the person named in the summons fails to appear at the evaluation and treatment facility at or before the date and time stated in the summons, such person may be involuntarily taken into custody. Accompanying the summons to such person shall be a copy of the petition for initial detention and a notice of rights.

(c) If such mental health professional decides to summon such person for up to a seventy-two hour evaluation and treatment period, the mental health professional must file in court the summons, the petition for initial detention, and all documentary evidence. The mental health professional shall then serve or cause to be served on such person, his guardian, and conservator, if any, a copy of the summons together with a notice of rights and a ((statement of specific facts as required by REW 74:05-200)) petition for initial detention. After service on such person the mental health professional shall file the return of service ((and statement of specific facts)) in court and provide copies of all papers in the court file to the evaluation and treatment facility and the designated attorney. ((This shall constitute an application as required by REW 74:05-460.)) The mental health professional shall notify the court and the prosecuting attorney that a probable cause hearing will be held within seventy-two hours of the date and time specified on the summons if such person is not released prior to the expiration of such period.

(d) If the person summoned appears on or before the date and time specified, the evaluation and treatment facility shall admit such person as required by RCW 71.05.170. If the person summoned fails to appear on or before the date and time specified, the evaluation and treatment facility shall immediately notify the mental health professional designated by the county who may notify a peace officer to take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility. Should the mental health professional notify a peace officer authorizing him to take a person into custody under the provisions of this subsection, he shall file with the court a copy of such authorization and a notice of detention. At the time such person is taken into custody there shall commence to be served on such person, his guardian, and conservator, if any, a copy of the original summons together with a ((copy of the notice and statement of specific facts required by REW 71-05-200)) notice of detention, a notice of rights, and a petition for initial detention.

(2) When a mental health professional designated by the county receives information alleging that a person, as the result of a mental disorder, presents an imminent likelihood of serious harm to himself or others, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the mental health professional may take such person, or cause by oral or written order such person to be taken into emergency custody in an evaluation and treatment facility for not more than seventy-two hours as described in RCW 71.05.180.

(3) A peace officer may take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility pursuant to subsection (1) (d) of this section.

(4) A peace officer may, without prior notice of the proceedings provided for in subsection (1) of this section, take or cause such person to be taken into custody and ((placed in)) immediately delivered to an evaluation and treatment facility ((only pursuant to subsections (1) (d) and (2) of this section or when such person is subject to lawful arrest and as a result of mental disorder presents an imminent likelihood of serious harm to others or himself));

(a) Only pursuant to subsections (1) (d) and (2) of this section; or

(b) When he has reasonable cause to believe that such person is suffering from a mental disorder and presents an imminent likelihood of serious harm to others or himself.

(5) Persons delivered to evaluation and treatment facilities by peace officers pursuant to subsection (4) (b) of this section may be held by the facility for a period of up to twelve hours: PROVIDED, That they are examined by a mental health professional within three hours of their arrival. Within twelve hours of their arrival, the designated county mental health professional must file a supplemental petition for detention, and commence service on the designated attorney for the detained person.

Sec. 9. Section 21, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.160 are each amended to read as follows:

Any facility receiving a person pursuant to RCW 71.05.150 shall require ((an application in writing)) a petition for initial detention stating the circumstances under which the person's condition was made known and stating that such officer or person has evidence, as a result of his personal observation or investigation, that the actions of the person for which application is made constitute a likelihood of serious harm to himself or others, or that he is gravely disabled, and stating the specific facts known to him as a result of his personal observation or investigation, upon which he bases the belief that such person should be detained for the purposes and under the authority of this chapter.

If a person is involuntarily placed in an evaluation and treatment facility pursuant to RCW 71.05.150, ((not later than seventy-two hours after)) on the next judicial day following the initial detention, ((the professional staff of the facility or)) the mental health professional designated by the county shall file with the court ((either the application, a copy of the notice required by REW 71:05:2007)) and serve the designated attorney of the detained person the petition or supplemental petition for initial detention, proof of service of notice, and ((the statement of specific facts, or a copy of the second notice and statement of specific facts served on such person as required by REW 71:05:150 (1) (d) and proof of service of the second notice, if proceedings are initiated under REW 71:05:150 (1) (d)) a copy of a notice of emergency detention.

Sec. 10. Section 22, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.170 are each amended to read as follows:

Whenever ((such an application is made for admission)) the designated county mental health professional petitions for detention of a person whose actions constitute a likelihood of serious harm to himself or others, or who is gravely disabled, the facility providing seventy-two hour evaluation and treatment must immediately accept ((such application)) on a provisional basis the petition and the person. The facility shall then evaluate the person's condition and admit or release such person in accordance with RCW 71.05.210. The

facility shall notify in writing the court and the designated county mental health professional of the date and time of the initial detention of each person involuntarily detained in order that a probable cause hearing shall be held no later than seventy-two hours after detention.

Sec. 11. Section 23, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.180 are each amended to read as follows:

If the evaluation and treatment facility admits the person, it may detain him for evaluation and treatment for a period not to exceed seventy-two hours ((including Saturdays, Sundays, and holidays)). The computation of such seventy-two hour period shall include Saturdays, but exclude Sundays and holidays.

Sec. 12. Section 24, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.190 are each amended to read as follows:

If ((an application)) the person is not approved for admission by a facility providing seventy-two hour evaluation and treatment, and the individual has not been arrested, the facility shall furnish transportation, if not otherwise available, for the person to his place of residence or other appropriate place.

Sec. 13. Section 25, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.200 are each amended to read as follows:

(1) Whenever any person is detained for evaluation and treatment pursuant to this chapter, both he and, if possible, a responsible member of his immediate family, guardian, ((and)) or conservator, if any, shall be ((immediately)) advised as soon as possible in writing ((and)) or orally, by the officer or person taking him into custody ((if any, and)) or by personnel of the evaluation and treatment facility ((to which)) where he is ((taken)) detained that unless he is released or voluntarily admits himself for treatment within seventy-two hours of the initial detention:

(a) That a judicial hearing ((in a district justice court or)) in a superior court, either by a judge or court commissioner thereof, shall be held not more than seventy-two hours after the initial detention to determine whether there is probable cause to detain him after the seventy-two hours have expired for up to an additional fourteen days without further automatic hearing for the reason that he is a mentally ill person whose mental disorder presents a likelihood of serious harm to others or himself or that he is gravely disabled;

(b) That he has a right to communicate immediately with an attorney; he has a right to have an attorney appointed to represent him before and at the probable cause hearing if he is indigent; and he has the right to be told the name and address of the attorney the

((court)) mental health professional has designated pursuant to this chapter;

(c) That he has the right to remain silent and that any statement he makes may be used against him;

(d) That he has the right to present evidence and to cross-examine witnesses who testify against him at the probable cause hearing; and

(e) That he has the right to refuse medication beginning twenty-four hours prior to the probable cause hearing.

(2) When proceedings are initiated under RCW 71.05.150 ((or)), (3), or (4) (b), no later than twelve hours after such person is admitted to the evaluation and treatment facility the personnel of the evaluation and treatment facility or the designated mental health professional shall serve on such person ((a statement of specific facts alleged to have caused such person's present detention and possible future detention: This statement of specific facts may be taken directly from the application of the peace officer required by RCW 71.05.460)) a copy of the petition for initial detention and the name, business address, and phone number of the designated attorney and shall forthwith commence service of a copy of the petition for initial detention on said designated attorney.

(3) The judicial hearing described in subsection (1) of this section is hereby authorized, and shall be held according to the provisions of subsection (1) of this section and rules promulgated by the supreme court.

Sec. 14. Section 26, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.210 are each amended to read as follows:

Each person involuntarily admitted to an evaluation and treatment facility shall, within twenty-four hours of his admission, be examined and evaluated by a licensed physician and ((licensed)) a mental health professional ((unless a licensed mental health professional is not reasonably available)) as defined in this chapter, and shall receive such treatment and care as his condition requires for the period that he is detained, except that, beginning twenty-four hours prior to a court proceeding, the individual may refuse all but emergency life-saving treatment, and the individual shall be informed at an appropriate time of his right to such refusal of treatment. Such person shall be detained up to seventy-two hours, if, in the opinion of the professional person in charge of the facility, or his professional designee, the person presents a likelihood of serious harm to himself or others, or is gravely disabled. A person who has been detained for seventy-two hours shall no later than the end of such period be ((either)) released, unless referred for further care on a voluntary basis, or ((certified for

intensive treatment)) detained pursuant to court order for further treatment as provided in this chapter.

An evaluation and treatment center admitting any person pursuant to this chapter whose physical condition reveals the need for hospitalization shall assure that such person is transferred to an appropriate hospital for treatment. Notice of such fact shall be given to the court, the designated attorney, and the designated county mental health professional and the court shall order such continuance in proceedings under this chapter as may be necessary, but in no event may this continuance be more than fourteen days.

Sec. 15. Section 28, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.230 are each amended to read as follows:

A person detained for seventy-two hour evaluation and treatment may be detained for not more than fourteen additional days of either involuntary intensive treatment or of a less restrictive alternative to involuntary intensive treatment if the following conditions are met:

(1) The professional staff of the agency or facility providing evaluation services has analyzed the person's condition and finds that said condition is caused by mental disorder and either results in a likelihood of serious harm to the person detained or to others, or results in the detained person being gravely disabled and are prepared to testify those conditions are met; and

(2) The person has been advised of the need for, but has not accepted, voluntary treatment; and

(3) The facility providing intensive treatment is certified to provide such treatment by the department of social and health services; and

(4) The professional staff of the agency or facility or the mental health professional designated by the county has filed a petition for fourteen day involuntary ((treatment)) detention or a less restrictive alternative with the court. The petition must be signed either by two physicians or by one physician and a ((licensed psychologist)) mental health professional who have examined the person((; unless one of these persons is not reasonably available; in which case another mental health professional who participated in the examination may sign the notice)). If involuntary detention is sought the petition shall state facts that support the finding that such person, as a result of mental disorder, presents a likelihood of serious harm to others or himself, or is gravely disabled and that there are no less restrictive alternatives to detention in the best interest of such person or others. If an involuntary less restrictive alternative is sought, the petition shall state facts that support the finding that such person, as a result of mental

disorder, presents a likelihood of serious harm to others or himself, or is gravely disabled and shall set forth the less restrictive alternative proposed by the facility; and

(5) A copy of the petition (~~for fourteen day involuntary treatment~~) has been served on the detained person, his attorney and his guardian or conservator, if any, prior to the probable cause hearing; and

(6) The court at the time the petition was filed and before the probable cause hearing has appointed counsel to represent such person if no other counsel has appeared; and

(7) The court has ordered a fourteen day involuntary treatment after a probable cause hearing has been held pursuant to RCW 71.05.240.

Sec. 16. Section 29, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.240 are each amended to read as follows:

If a petition is filed for fourteen day involuntary treatment, the court shall hold a probable cause hearing within seventy-two hours of the initial detention of such person. If requested by the detained person or his attorney, the hearing may be postponed for a period not to exceed (~~twenty-four~~) forty-eight hours. The hearing may also be continued subject to the conditions set forth in section 14 of this 1974 amendatory act or subject to the petitioner's showing of good cause for a period not to exceed twenty-four hours.

At the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such person, as the result of mental disorder, presents a likelihood of serious harm to others or himself, or is gravely disabled, and, after considering less restrictive alternatives to involuntary detention and treatment, finds that no such alternatives are in the best interests of such person or others, the court shall order that such person be detained for involuntary treatment not to exceed fourteen days in a facility certified to provide treatment by the department of social and health services. If the court finds that such person, as the result of a mental disorder, presents a likelihood of serious harm to others or himself, or is gravely disabled, but that treatment in a less restrictive setting than detention is in the best interest of such person or others, the court shall order an appropriate less restrictive course of treatment for not to exceed fourteen days.

The court shall specifically state to such person and give such person notice in writing that if involuntary treatment beyond the fourteen day period is to be sought, such person will have the right to a full hearing or jury trial as required by RCW 71.05.310 (~~and that if such person requests release from the evaluation and~~

treatment facility during the fourteen day period he will be brought before a court pursuant to RCW 71.05-480)).

Sec. 17. Section 30, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.250 are each amended to read as follows:

At the probable cause hearing the detained person shall have the following rights in addition to the rights previously specified:

- (1) To present evidence on his behalf;
- (2) To cross-examine witnesses who testify against him;
- (3) To be proceeded against by the rules of evidence;
- (4) To remain silent;
- (5) To view and copy all petitions and reports in the court

file.

The physician-patient privilege shall be deemed waived in proceedings under this chapter when a court of competent jurisdiction in its discretion determines that it is unreasonable for the petitioner seeking 14-day involuntary treatment to obtain a sufficient evaluation of the detained person by a psychiatrist or psychologist or other health professional and such waiver is necessary in the opinion of the court to protect either the detained person or the public.

Whenever the physician-patient privilege is deemed waived pursuant to this section, the waiver shall be limited to the introduction of relevant and competent medical records or testimony of an evaluation or treatment facility or its staff, a facility of the department of social and health services or its staff, or a facility certified for 90-day treatment by the department of social and health services or its staff for the purpose of meeting evaluation requirements contained in chapter 10.77 RCW and chapter 71.12 RCW: PROVIDED HOWEVER, That the physician-patient privilege shall not be waived if the physician specifically identifies himself to the detained person as one who is communicating with that person for treatment only: AND PROVIDED FURTHER, That the privilege shall not extend to incident reports involving the detained person.

The record maker shall not be required to testify in order to introduce medical records of the detained person so long as the requirements of RCW 5.45.020 are met except that portions of the record which contains opinions as to the detained person's mental state must be deleted from such records unless the person making such conclusions is available for cross-examination.

Sec. 18. Section 31, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.26C are each amended to read as follows:

(1) Involuntary treatment ordered at the time of the probable cause hearing shall be for no more than fourteen days, and shall terminate sooner when, in the opinion of the professional person in

charge of the facility or his professional designee, (a) the person no longer constitutes a likelihood of serious harm to himself or others, or (b) no longer is gravely disabled, or (c) is prepared to accept voluntary treatment upon referral, or (d) is to remain in the facility providing intensive treatment on a voluntary basis.

(2) A person who has been detained for fourteen days of intensive treatment shall be released at the end of the fourteen days unless one of the following applies: (a) Such person agrees to receive further treatment on a voluntary basis; or (b) such person is a patient to whom RCW 71.05.280 is applicable.

Sec. 19. Section 33, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.280 are each amended to read as follows:

At the expiration of the fourteen day period of intensive treatment, a person may be confined for further treatment pursuant to RCW 71.05.320 for an additional period, not to exceed ninety days if:

(1) Such person has threatened, attempted, or inflicted physical harm upon the person of another or himself after having been taken into custody for evaluation and treatment, and, as a result of mental disorder presents a likelihood of serious harm to others or himself; or

(2) Such person was taken into custody as a result of conduct in which he attempted or inflicted physical harm upon the person of another or himself, and continues to present, as a result of mental disorder, a likelihood of serious harm to others or himself; or

(3) Such person is in custody because he has committed acts constituting a felony, and as a result of a mental disorder, presents a substantial likelihood of repeating similar acts. In any proceeding pursuant to this subsection it shall not be necessary to show intent, wilfulness, or state of mind as an element of the felony; or

(4) Such person is gravely disabled.

For the purposes of this chapter "custody" shall mean involuntary detention under the provisions of this chapter or chapter 10.76 RCW, uninterrupted by any period of unconditional release from a facility providing involuntary care and treatment.

Sec. 20. Section 34, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.290 are each amended to read as follows:

At any time during a person's fourteen day intensive treatment period, the professional person in charge of a treatment facility or his professional designee or the designated county mental health professional may petition the superior court for an order requiring such person to undergo an additional period of treatment. Such petition must be based on one or more of the grounds set forth in RCW 71.05.280.

(2) The petition shall summarize the facts which support the need for further confinement and shall be supported by affidavits signed by two examining physicians, or by one examining physician and examining ((licensed psychologist unless one of these persons is not reasonably available; in which case another mental health professional who participated in the examination may sign such affidavits)) mental health professional. The affidavits shall describe in detail the behavior of the detained person which supports the petition and shall explain what, if any, less restrictive treatments which are alternatives to detention are available to such person, and shall state the willingness of the affiant to testify to such facts in subsequent judicial proceedings under this chapter.

(3) If a person has been determined to be incompetent (and the charges have been dismissed) without prejudice pursuant to RCW 10.77.090 (3) (or its successors), then the professional person in charge of the treatment facility or his professional designee may directly file a petition for ninety day treatment under section 19 (1) of this 1974 amendatory act. No petition for initial detention or fourteen day detention is required before such a petition may be filed.

Sec. 21. Section 35, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.300 are each amended to read as follows:

((A)) The petition for ninety day treatment shall be filed with the clerk of the superior court. At the time of filing such petition, the clerk shall set a time for the person to come before the court on the next judicial day after the day of filing, and shall notify the ((prosecuting attorney)) designated county mental health professional. The ((person filing the petition)) designated county mental health professional shall immediately notify the person detained, his attorney, if any, and his guardian or conservator, if any, and the prosecuting attorney shall provide a copy of the petition to such persons as soon as possible.

At the time set for appearance the detained person shall be brought before the court and the court shall advise him of his right to be represented by an attorney and of his right to a jury trial. If the detained person is not represented by an attorney, or is indigent or is unwilling to retain an attorney, the court shall immediately appoint an attorney to represent him. The court shall, if requested, appoint a reasonably available licensed physician, psychologist, or psychiatrist, designated by the detained person to examine and testify on behalf of the detained person. The court shall also set a date for a full hearing on the petition as provided in RCW 71.05.310.

Sec. 22. Section 36, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.310 are each amended to read as follows:

The court shall conduct a hearing on the petition for ninety day treatment within ~~((four))~~ five judicial days of the first court appearance after the probable cause hearing unless the person named in the petition requests a jury trial, in which case trial shall commence within ten judicial days of the filing of the petition for ninety day treatment. The court may continue the hearing upon the written request of the person named in the petition or his attorney, which continuance shall not exceed ten additional judicial days. The burden of proof shall be by clear, cogent, and convincing evidence and shall be upon the ~~((petitioning facility))~~ petitioner. The person shall be present at such proceeding, which shall in all respects accord with the constitutional guarantees of due process of law and the rules of evidence pursuant to section 18 of this 1974 amendatory act.

During the proceeding, the person named in the petition shall continue to be treated until released by order of the superior court. If no order has been made within thirty days after the filing of the petition, not including extensions of time requested by the detained person or his attorney, the detained person shall be released.

Sec. 23. Section 37, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.320 are each amended to read as follows:

(1) If the court or jury finds that ~~((the person named in the petition {a} has threatened, attempted, or actually inflicted physical harm upon the person of another after having been taken into custody for evaluation and treatment, and as a result of mental disorder, presents an imminent threat of serious physical harm to others, and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention; or {b} was taken into custody as a result of attempting to inflict or inflicting physical harm upon the person of another, and as a result of mental disorder presents an imminent threat of serious physical harm to others;))~~ grounds set forth in section 19 of this 1974 amendatory act have been proven and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention, the court shall remand him to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department of social and health services for a further period of intensive treatment not to exceed ninety days from the date of judgment.

If the court or jury finds that ~~((the respondent has committed acts falling within either subsection {i} {a} or {b} of this~~

section)) grounds set forth in section 19 of this 1974 amendatory act have been proven, but finds that treatment less restrictive than detention will be in the best interest of the person or others, then the court shall remand him to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department of social and health services or to a less restrictive alternative for a further period of less restrictive treatment not to exceed ninety days from the date of judgment.

(2) Said person shall be released from involuntary treatment at the expiration of ninety days unless the superintendent or professional person in charge of the facility in which he is confined files a new petition for involuntary treatment on the grounds that the committed person (has attempted or actually inflicted physical harm on another during his period of involuntary treatment; and he is a person who, by reason of mental disorder, presents a likelihood of serious harm; and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention));

(a) Has threatened, attempted, or inflicted physical harm upon the person of another during the current period of court ordered treatment and, as a result of mental disorder presents a likelihood of serious harm to others; or

(b) Was taken into custody as a result of conduct in which he attempted or inflicted serious physical harm upon the person of another, and continues to present, as a result of mental disorder, a likelihood of serious harm to others; or

(c) Is in custody pursuant to section 20 (3) of this 1974 amendatory act and as a result of mental disorder presents a substantial likelihood of repeating similar acts; or

(d) Continues to be gravely disabled.

If the conduct required to be proven in subsections (b) and (c) of this section was found by a judge or jury in a prior trial under this act, it shall not be necessary to reprove that element. Such new petition for involuntary treatment shall be filed and heard ((either)) in the superior court of the county of the facility which is filing the new petition for involuntary treatment ((or in the superior court of the county wherein the original petition for involuntary treatment was filed)) unless good cause is shown for a change of venue. The cost of the proceedings shall be borne by the ((county wherein the original petition for involuntary treatment was filed; when such proceedings are had in a county other than the county wherein the petition for involuntary treatment was filed and arrangements shall be made and agreements reached between involved

counties for billing and payment arrangements to meet said responsibility)) state.

The hearing shall be held as provided in RCW 71.05.310, and if the court or jury finds that the grounds for additional confinement as set forth in this subsection are present, the court may order the committed person returned for an additional period of treatment not to exceed one hundred eighty days from the date of judgment. At the end of the one hundred eighty day period of commitment, the committed person shall be released unless a petition for another one hundred eighty day period of continued treatment is filed and heard in the same manner as provided herein above. Successive one hundred eighty day commitments are permissible on the same grounds and pursuant to the same procedures as the original one hundred eighty day commitment. No person committed as herein provided may be detained unless a valid order of commitment is in effect. No order of commitment can exceed one hundred eighty days in length.

Sec. 24. Section 39, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.340 are each amended to read as follows:

(1) When in the opinion of the superintendent or the professional person in charge of the hospital or facility providing involuntary treatment, the committed person can be appropriately served by outpatient care prior to the expiration of the period of commitment, then such outpatient care may be required as a condition for early release for a period which, when added to the inpatient treatment period, shall not exceed the period of commitment. If the hospital or facility designated to provide outpatient care is other than the facility providing involuntary treatment, the outpatient facility so designated must agree in writing to assume such responsibility. A copy of the conditions for early release shall be given to the patient, the designated county mental health professional in the county in which the patient is to receive outpatient treatment, and to the court of original commitment.

(2) The hospital or facility designated to provide outpatient care or the secretary may modify the conditions for continued release when such modification is in the best interest of the person. Notification of such changes shall be sent to all persons receiving a copy of the original conditions.

(3) If the hospital or facility designated to provide outpatient care, the designated county mental health professional or the secretary determines that a conditionally released person is failing to adhere to the terms and conditions of his release, and because of that failure has become a substantial danger to himself or other persons, then, upon notification by the hospital or facility designated to provide outpatient care, or on his own motion, the

designated county mental health professional or the secretary may order that the conditionally released person be apprehended and taken into custody and temporarily detained in an evaluation and treatment facility in or near the county in which he is receiving outpatient treatment until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the person should be returned to the hospital or facility from which he had been conditionally released. The designated county mental health professional or the secretary may modify or rescind such order at any time prior to commencement of the court hearing. The court that originally ordered commitment shall be notified ((before the close of the next)) within two judicial days of a person's detention under the provisions of this section, and the designated county mental health professional or the secretary shall file his petition and order of apprehension and detention with the court and serve them upon the person detained((7)). His attorney, if any, and his guardian or conservator, if any, shall receive a copy of such papers as soon as possible. Such person shall have the same rights with respect to notice, hearing, and counsel as for an involuntary treatment proceeding, except as specifically set forth in this section and except that there shall be no right to jury trial. The issues to be determined shall be whether the conditionally released person did or did not adhere to the terms and conditions of his release; and, if he failed to adhere to such terms and conditions, ((~~(a)~~ whether he is likely to injure himself or other persons if not returned for involuntary treatment on an inpatient basis; or (b)) whether the conditions of release should be modified or the person should be returned to the facility. Pursuant to the determination of the court upon such hearing, the conditionally released person shall either continue to be conditionally released on the same or modified conditions or shall be returned for involuntary treatment on an inpatient basis subject to release at the end of the period for which he was committed for involuntary treatment, or otherwise in accordance with the provisions of this chapter. Such hearing may be waived by the person and his counsel and his guardian or conservator, if any, but shall not be waivable unless all such persons agree to waive, and upon such waiver the person may be returned for involuntary treatment or continued on conditional release on the same or modified conditions.

(4) The proceedings set forth in subsection (3) of this section may be initiated by the designated county mental health professional or the secretary on the same basis set forth therein without ((the secretary)) requiring or ordering the apprehension and detention of the conditionally released person, in which case the

court hearing shall take place in not less than fifteen days from the date of service of the petition upon the conditionally released person.

Upon expiration of the period of commitment, or when the person is released from outpatient care, notice in writing to the court which committed the person for treatment shall be provided.

Sec. 25. Section 41, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.360 are each amended to read as follows:

(1) Every person involuntarily detained((; certified;)) or committed under the provisions of this chapter shall be entitled to all the rights set forth in this chapter and shall retain all rights not denied him under this chapter ((and which follow from such denial by necessary implication)).

(2) Each person involuntarily detained((; certified;)) or committed pursuant to this chapter shall have the right to adequate care and individualized treatment.

Sec. 26. Section 42, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.370 are each amended to read as follows:

Insofar as ((imminent)) danger to the individual or others is not created, each person involuntarily detained, ((certified;)) treated in a less restrictive alternative course of treatment, or committed for treatment and evaluation pursuant to this chapter shall have, in addition to other rights not specifically withheld by law, the following rights, a list of which shall be prominently posted in all facilities, institutions, and hospitals providing such services:

(1) To wear his own clothes and to keep and use his own personal possessions, except when deprivation of same is essential to protect the safety of the resident or other persons;

(2) To keep and be allowed to spend a reasonable sum of his own money for canteen expenses and small purchases;

(3) To have access to individual storage space for his private use;

(4) To have visitors at reasonable times;

(5) To have reasonable access to a telephone, both to make and receive confidential calls;

(6) To have ready access to letter writing materials, including stamps, and to send and receive uncensored correspondence through the mails;

(7) Not to consent to the performance of shock treatment or surgery, except emergency life-saving surgery, upon him, and not to have shock treatment or nonemergency surgery in such circumstance unless ordered by a court pursuant to a judicial hearing in which the person is present and represented by counsel, and the court shall

appoint a psychiatrist, psychologist, or physician designated by such person or his counsel to testify on behalf of such person;

(8) To dispose of property and sign contracts unless such person has been adjudicated an incompetent in a court proceeding directed to that particular issue;

(9) Not to have ((a lobotomy)) psychosurgery performed on him under any circumstances.

Sec. 27. Section 44, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.390 are each amended to read as follows:

The fact of admission and all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services at public or private agencies shall be confidential.

Information and records may be disclosed only:

(1) In communications between qualified professional persons to meet the requirements of this chapter, in the provision of services or appropriate referrals, or in the course of guardianship proceedings. The consent of the patient, or his guardian, must be obtained before information or records may be disclosed by a professional person employed by a facility to a professional person, not employed by the facility, who does not have the medical responsibility for the patient's care or who is not a designated county mental health professional;

(2) When the person receiving services, or his guardian, designates persons to whom information or records may be released, or if the person is a minor, when his parents make such designation;

(3) To the extent necessary for a recipient to make a claim, or for a claim to be made on behalf of a recipient for aid, insurance, or medical assistance to which he may be entitled;

(4) For program evaluation and/or research: PROVIDED, That the secretary of social and health services adopts rules for the conduct of such evaluation and/or research. Such rules shall include, but need not be limited to, the requirement that all evaluators and researchers must sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I, _____, agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

/s/_____"

(5) To the courts as necessary to the administration of this chapter.

(6) To law enforcement officers when requesting such information necessary to carry out the provisions of RCW 9.41.070 and Public Law 90-618.

The fact of admission, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to this chapter shall not be admissible as evidence in any ((civil or criminal)) legal proceeding outside this chapter without the written consent of the person who was the subject of the proceeding. The records and files maintained in any court proceeding pursuant to this chapter shall be confidential and available subsequent to such proceedings only to the person who was the subject of the proceeding or his attorney. In addition, the court may order the subsequent release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality are and will be maintained.

Sec. 28. Section 49, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.440 are each amended to read as follows:

Any person may bring an action against an individual who has wilfully ((and knowingly)) released confidential information or records concerning him in violation of the provisions of this chapter, for the greater of the following amounts:

(1) One thousand dollars; or

(2) Three times the amount of actual damages sustained, if any. It shall not be a prerequisite to recovery under this section that the plaintiff shall have suffered or be threatened with special, as contrasted with general, damages.

Any person may bring an action to enjoin the release of confidential information or records concerning him or his ward, in violation of the provisions of this chapter, and may in the same action seek damages as provided in this section.

The court may award to the plaintiff, should he prevail in an action authorized by this section, reasonable attorney fees in addition to those otherwise provided by law.

Sec. 29. Section 53, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.480 are each amended to read as follows:

((Any staff person of a facility for evaluation and treatment to whom an objection to detention or a request for release is made, shall promptly provide the person making the request with a copy of

the form provided for hereinafter in this section, help him to fill out the form, and deliver the completed form to the professional person in charge of the facility, or his professional designee. Not later than the next judicial day the professional person in charge of the facility, or his designee, shall file with the clerk of the superior court the request for release. Not later than two days after filing such request, the facility shall notify the clerk as to whether or not such person has been released. If no notice is received or the person has not been released, the clerk shall notify a judge of the superior court who shall immediately appoint an attorney to represent the person who has requested release. A form for a request for release shall be provided in accordance with rules and regulations adopted by the secretary.)) Nothing contained in this chapter shall prohibit the patient from petitioning by writ of habeas corpus for release.

Sec. 30. Section 56, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.510 are each amended to read as follows:

Any individual who ((negligently,)) knowingly, ((or)) wilfully((, in violation of)) or through gross negligence violates the provisions of this chapter((, detains)) by detaining a person for more than the allowable number of days shall be liable to the person detained in civil damages. It shall not be a prerequisite to an action under this section that the plaintiff shall have suffered or be threatened with special, as contrasted with general damages.

NEW SECTION. Sec. 31. This 1974 amendatory 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 8, 1974.
Passed the Senate February 6, 1974.
Approved by the Governor February 16, 1974, with the exception of certain items which are vetoed.
Filed in Office of Secretary of State February 26, 1974.
Note: Governor's explanation of partial veto is as follows:
"I am returning herewith without my approval as to certain items Substitute House Bill 1525 entitled:

Veto
Message

"AN ACT Relating to Civil Commitment."

Section 3 of the bill substantially amends a section of the civil commitment law passed in 1973 in order to establish procedures for the admission, detention and treatment of minors. Subsection 3 (e) of section 3 establishes certain release procedures for voluntarily admitted minors. However, an item in subsection 3 (e) makes reference to a juvenile court which originally committed the minor. Inasmuch as the subsection relates only to voluntary admissions there clearly is no court of original commitment. Accordingly, I have vetoed that item.

Section 6 of the bill, among other things, provides that a voluntarily admitted person may be detained for a period not to exceed four days in order to obtain an evaluation of his condition for the purpose of initiating involuntary commitment proceedings. The provision allowing detention for four days could effectively allow the detention of a voluntarily admitted person for a period twice as long as that allowed for involuntarily detained persons. Accordingly, I have determined to veto that item.

It should additionally be noted that the standard for determining whether a voluntarily admitted person should be detained for evaluation is significantly less than the standard for detention of involuntarily detained persons. I would urge the Legislature to change this standard to bring it into conformity with the balance of the act and eliminate detrimental inconsistencies." Veto
Message

CHAPTER 146

[Engrossed Senate Bill No. 2329]

LEGAL SERVICES REVOLVING FUND

AN ACT Relating to state government; amending section 1, chapter 71, Laws of 1971 ex. sess. and RCW 43.10.150; amending section 2, chapter 71, Laws of 1971 ex. sess. and RCW 43.10.160; amending section 4, chapter 71, Laws of 1971 ex. sess. and RCW 43.10.180; repealing section 5, chapter 71, Laws of 1971 ex. sess. and RCW 43.10.190 and providing an effective date.

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

Section 1. Section 1, chapter 71, Laws of 1971 ex. sess. and RCW 43.10.150 are each amended to read as follows:

A legal services revolving fund is hereby created in the state treasury for the purpose of a centralized funding ~~((and))~~, accounting, and distribution of the actual costs of the legal services provided to agencies of the state government by the attorney general.

Sec. 2. Section 2, chapter 71, Laws of 1971 ex. sess. and RCW 43.10.160 are each amended to read as follows:

The amounts to be disbursed from the legal services revolving fund from time to time shall be transferred thereto by the state treasurer from funds appropriated to any and all agencies for legal services or administrative expenses on a quarterly ~~((or other))~~ basis ~~((as required by the director of the office of program planning and fiscal management))~~. Agencies operating in whole or in part from nonappropriated funds shall pay into the legal services revolving fund such funds as ~~((are allocated for legal services in such amounts as are agreed by the agency and))~~ will fully reimburse funds appropriated to the attorney general ~~((and at such times as are designated by the director of the office of program planning and fiscal management))~~ for any legal services provided activities financed by nonappropriated funds.

The director of the office of program planning and fiscal management shall allot all such funds to the attorney general for the operation of his office, pursuant to appropriation, in the same manner as appropriated funds are allocated to other agencies headed by elected officers under chapter 43.88 RCW.