

RCW 71.05.212 Evaluation—Consideration of information and records. (Contingent expiration date.)

(1) Whenever a designated crisis responder or professional person is conducting an evaluation under this chapter, consideration shall include all reasonably available information from credible witnesses and records regarding:

(a) Prior recommendations for evaluation of the need for civil commitments when the recommendation is made pursuant to an evaluation conducted under chapter 10.77 RCW;

(b) Historical behavior, including history of one or more violent acts;

(c) Prior determinations of incompetency or insanity under chapter 10.77 RCW; and

(d) Prior commitments under this chapter.

(2) Credible witnesses may include family members, landlords, neighbors, or others with significant contact and history of involvement with the person. If the designated crisis responder relies upon information from a credible witness in reaching his or her decision to detain the individual, then he or she must provide contact information for any such witness to the prosecutor. The designated crisis responder or prosecutor shall provide notice of the date, time, and location of the probable cause hearing to such a witness.

(3) Symptoms and behavior of the respondent which standing alone would not justify civil commitment may support a finding of grave disability or likelihood of serious harm, or a finding that the person is in need of assisted outpatient treatment, when:

(a) Such symptoms or behavior are closely associated with symptoms or behavior which preceded and led to a past incident of involuntary hospitalization, severe deterioration, or one or more violent acts;

(b) These symptoms or behavior represent a marked and concerning change in the baseline behavior of the respondent; and

(c) Without treatment, the continued deterioration of the respondent is probable.

(4) When conducting an evaluation for offenders identified under RCW 72.09.370, the designated crisis responder or professional person shall consider an offender's history of judicially required or administratively ordered antipsychotic medication while in confinement.

(5) The authority, in consultation with tribes and in coordination with Indian health care providers and the American Indian health commission for Washington state, shall establish written guidelines by December 31, 2024, for conducting culturally appropriate evaluations of American Indians or Alaska Natives. [2024 c 209 s 17; 2022 c 210 s 9; 2020 c 256 s 305; 2018 c 291 s 13; 2016 sp.s. c 29 s 226; 2015 c 250 s 5; (2011 2nd sp.s. c 6 s 2 expired July 1, 2014); 2010 c 280 s 2; 1999 c 214 s 5; 1998 c 297 s 19.]

Contingent expiration date—2024 c 209 s 17: "Section 17 of this act expires when section 18 of this act takes effect." [2024 c 209 s 41.]

Effective date—2018 c 291 ss 1-4, 6, 7, 9, 11, 12, 13, and 15: See note following RCW 71.05.020.

Effective dates—2016 sp.s. c 29: See note following RCW 71.05.760.

Short title—Right of action—2016 sp.s. c 29: See notes following RCW 71.05.010.

Effective date—2013 c 335; 2011 2nd sp.s. c 6; 2010 c 280 ss 2 and 3: "Sections 2 and 3 of this act take effect July 1, 2014." [2013 c 335 s 1; 2011 2nd sp.s. c 6 s 1; 2010 c 280 s 5.]

Expiration date—2013 c 335; 2011 2nd sp.s. c 6 s 2: "Section 2 of this act expires July 1, 2014." [2013 c 335 s 2; 2011 2nd sp.s. c 6 s 3.]

Effective date—2011 2nd sp.s. c 6: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [December 20, 2011], except for section 2 of this act which takes effect January 1, 2012." [2011 2nd sp.s. c 6 s 4.]

Intent—Effective date—1999 c 214: See notes following RCW 72.09.370.

Effective dates—Severability—Intent—1998 c 297: See notes following RCW 71.05.010.

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(4) When conducting an evaluation for offenders identified under RCW 72.09.370, the designated crisis responder or professional person shall consider an offender's history of judicially required or administratively ordered antipsychotic medication while in confinement.

(5) The authority, in consultation with tribes and in coordination with Indian health care providers and the American Indian health commission for Washington state, shall establish written guidelines by December 31, 2024, for conducting culturally appropriate evaluations of American Indians or Alaska Natives. [2024 c 209 s 18; 2022 c 210 s 10. Prior: 2020 c 302 s 28; 2020 c 256 s 305; 2018 c 291 s 13; 2016 sp.s. c 29 s 226; 2015 c 250 s 5; (2011 2nd sp.s. c 6 s 2 expired July 1, 2014); 2010 c 280 s 2; 1999 c 214 s 5; 1998 c 297 s 19.]

Contingent effective date—2024 c 209 s 18: "Section 18 of this act takes effect when section 10, chapter 210, Laws of 2022 takes effect." [2024 c 209 s 42.]

Contingent effective date—2022 c 210 ss 2 and 10; 2021 c 264 ss 22 and 23; 2021 c 263 ss 13 and 14; 2020 c 302 ss 4 and 28: See note following RCW 71.05.020.

Effective date—2018 c 291 ss 1-4, 6, 7, 9, 11, 12, 13, and 15: See note following RCW 71.05.020.

Effective dates—2016 sp.s. c 29: See note following RCW 71.05.760.

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Intent—Effective date—1999 c 214: See notes following RCW 72.09.370.

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