
HOUSE BILL 1116

State of Washington

68th Legislature

2023 Regular Session

By Representative Mosbrucker

Prefiled 01/04/23.

1 AN ACT Relating to providing a behavioral health response to
2 juveniles consuming controlled substances; and amending RCW
3 43.185C.260.

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

5 **Sec. 1.** RCW 43.185C.260 and 2020 c 331 s 8 are each amended to
6 read as follows:

7 (1) A law enforcement officer shall take a child into custody:

8 (a) If a law enforcement agency has been contacted by the parent
9 of the child that the child is absent from parental custody without
10 consent; or

11 (b) If a law enforcement officer reasonably believes, considering
12 the child's age, the location, and the time of day, that a child is
13 in circumstances which constitute a danger to the child's safety or
14 that a child is violating a local curfew ordinance; or

15 (c) If an agency legally charged with the supervision of a child
16 has notified a law enforcement agency that the child has run away
17 from placement.

18 (2) Law enforcement custody shall not extend beyond the amount of
19 time reasonably necessary to transport the child to a destination
20 authorized by law and to place the child at that destination. Law
21 enforcement custody continues until the law enforcement officer

1 transfers custody to a person, agency, or other authorized entity
2 under this chapter, or releases the child because no placement is
3 available. Transfer of custody is not complete unless the person,
4 agency, or entity to whom the child is released agrees to accept
5 custody.

6 (3) If a law enforcement officer takes a child into custody
7 pursuant to either subsection (1)(a) or (b) of this section and
8 transports the child to a crisis residential center, the officer
9 shall, within twenty-four hours of delivering the child to the
10 center, provide to the center a written report detailing the reasons
11 the officer took the child into custody. The center shall provide the
12 department of children, youth, and families with a copy of the
13 officer's report if the youth is in the care of or receiving services
14 from the department of children, youth, and families.

15 (4) If the law enforcement officer who initially takes the
16 juvenile into custody or the staff of the crisis residential center
17 have reasonable cause to believe that the child is absent from home
18 because he or she is abused or neglected, a report shall be made
19 immediately to the department of children, youth, and families.

20 (5) Nothing in this section affects the authority of any
21 political subdivision to make regulations concerning the conduct of
22 minors in public places by ordinance or other local law.

23 (6) If a law enforcement officer has a reasonable suspicion that
24 a child is being unlawfully harbored in violation of RCW 13.32A.080,
25 the officer shall remove the child from the custody of the person
26 harboring the child and shall transport the child to one of the
27 locations specified in RCW 43.185C.265.

28 (7) If a law enforcement officer takes a juvenile into custody
29 pursuant to subsection (1)(b) of this section and reasonably believes
30 that the juvenile may be the victim of sexual exploitation, the
31 officer shall:

32 (a) Transport the child to:

33 (i) An evaluation and treatment facility as defined in RCW
34 71.34.020, including the receiving centers established in RCW
35 7.68.380, for purposes of evaluation for behavioral health treatment
36 authorized under chapter 71.34 RCW, including adolescent-initiated
37 treatment, family-initiated treatment, or involuntary treatment; or

38 (ii) Another appropriate youth-serving entity or organization
39 including, but not limited to:

40 (A) A HOPE Center as defined under RCW 43.185C.010;

1 (B) A foster-family home as defined under RCW 74.15.020;
2 (C) A crisis residential center as defined under RCW 43.185C.010;
3 or
4 (D) A community-based program that has expertise working with
5 adolescents in crisis; or
6 (b) Coordinate transportation to one of the locations identified
7 in (a) of this subsection, with a liaison dedicated to serving
8 commercially sexually exploited children established under RCW
9 74.14B.070 or a community service provider.
10 (8) Law enforcement shall have the authority to take into
11 protective custody a child who is or is attempting to engage in
12 sexual conduct with another person for money or anything of value for
13 purposes of investigating the individual or individuals who may be
14 exploiting the child and deliver the child to an evaluation and
15 treatment facility as defined in RCW 71.34.020, including the
16 receiving centers established in RCW 7.68.380, for purposes of
17 evaluation for behavioral health treatment authorized under chapter
18 71.34 RCW, including adolescent-initiated treatment, family-initiated
19 treatment, or involuntary treatment.
20 (9) If a law enforcement officer takes a juvenile into custody
21 under the authority provided under subsection (1) of this section and
22 observes the juvenile consuming, in any manner, a controlled
23 substance as defined in RCW 69.50.101, the law enforcement officer
24 shall deliver the child to an evaluation and treatment facility as
25 defined in RCW 71.34.020 for purposes of evaluation for behavioral
26 health treatment authorized under chapter 71.34 RCW, including
27 adolescent-initiated treatment, family-initiated treatment, or
28 involuntary treatment.
29 (10) No child may be placed in a secure facility except as
30 provided in this chapter.

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