



LEGISLATIVE ACTIVE AGENDA

Items ~~struck through~~ or in **blue** are changes to a bills language since the last legislative update. Please note: CA PA|PG|PC positions on bills may change.

| Bill # Author/Title | SUBJECT MATTER | STATUS | POSITION Positions may change |
|---|--|---|----------------------------------|
| <p>1. AB 154 (Levine D) Prisoners: mental health treatment</p> | <p>Existing law requires a court, upon the conviction of a defendant of a felony resulting in his or her sentencing to state prison, to recommend in writing that the defendant participate in a counseling or education program having a substance abuse component while imprisoned if the court makes certain findings relating to his or her drug use.</p> <p>This bill would require a court, upon the conviction of a defendant for a felony resulting in his or her sentencing to state prison, to recommend in writing that the defendant participate in a counseling or education program having a mental health component while imprisoned if the court finds that the defendant at the time of the commission of the offense was suffering from a serious mental illness, has a demonstrated history of mental illness, or at the time of the offense was suffering from a mental illness that was a substantial factor that contributed to the defendant's criminal conduct.</p> <p>Existing law prohibits a person from being tried, adjudged to punishment, or having his or her probation, mandatory supervision, postrelease community supervision, or parole revoked while that person is mentally incompetent. Existing law establishes a process by which a defendant's mental competency is evaluated and by which the defendant receives treatment, including, if applicable, antipsychotic medication, with the goal of returning the defendant to competency. Existing law credits time spent by a defendant in a state hospital or other facility as a result of commitment during the process toward the term of any imprisonment for which the defendant is sentenced.</p> <p>This bill would authorize a defendant who is or has been eligible for public mental health services due to a serious mental illness or who is eligible for Social Security Disability Insurance benefits due to a diagnosed mental illness to petition the court, after the defendant's plea or</p> | <p>06/01/17 - In Senate. Read first time. To Com. on RLS. for assignment</p> <p>05/26/17 – From committee: Amend and do pass as amended</p> <p>3/01/17 - From committee: Do pass and re-refer to Com. on APPR. (Ayes 5. Noes 2.) (February 28). Re-referred to Com. on APPR.</p> | <p>Oppose</p> |

~~conviction but prior to sentencing, for a sentence that includes mental health treatment. The bill would authorize a court, if it finds that the defendant has shown that he or she meets the criteria by a preponderance of the evidence, to order the Department of Corrections and Rehabilitation or the county authority to provide specified mental health service, including placement in a residential mental health treatment facility instead of state prison or county jail, placement in a mental health program within the state prison or county jail, or preparation of a postrelease mental health treatment plan. The bill would authorize the court, upon petition of the defendant or the prosecution, to recall a sentence that includes a mental health order and resentence the defendant to other mental health treatment or resentence the defendant without mental health treatment. The bill would provide that the defendant has the right to counsel for these proceedings. This bill contains other related provisions and other existing laws.~~

2. **AB 439** (Gallagher R)
Estates and trusts:
property claims

Existing law provides for the determination by petition filed in a court of claims brought to determine ownership of real or personal property claimed by an estate, a ward or conservatee, or a trustee, as specified. Existing law authorizes a person having or claiming title or an interest in the property which is the subject of the petition to object that the court in which the petition is filed is not the proper court under any other provision of law for the trial of a civil action seeking the same relief. Existing law prohibits a court from granting a petition if that objection is established. Existing law prohibits a court from granting a petition if the court determines that the matter should be determined by a civil action.

This bill would additionally authorize a petitioner to file a petition described above in the county where the property that is the subject of the petition is located, or in the county where the day-to-day administration of the trust in possession of, holding title to, or claiming an interest in the property takes place, and would clarify that a petition may be filed in a court which would be proper court under any other provision of law for the trial of a civil action seeking the same relief. The bill would authorize a person to object to a petition on the ground that the petition was not filed in one of those courts.

2/27/17 - Referred to Com. on JUD.

2/14/2017 - From printer. May be heard in committee March 16.

Watch

3. **AB 611** (Dababneh D)
Mandated reporters of
suspected financial abuse

Existing law requires a mandated reporter of suspected financial abuse of an elder or dependent adult, as defined, to report financial abuse in a specified manner. Existing law provides for the creation and effect of powers of attorney.

6/7/17 - From committee: Do pass and re-refer to Com. on JUD. (Ayes 11/ Noes 0.)

SUPPORT

of an elder or dependent adult: powers of attorney

This bill would authorize a mandated reporter of suspected financial abuse of an elder or dependent adult to not honor any power of attorney if he or she makes, ~~or has actual knowledge that any other person has made,~~ a report to an adult protective services agency or a local law enforcement agency of any state that the natural person who executed the power of attorney may be an elder or dependent adult subject to financial abuse.

(June 7). Re-referred to Com. on JUD.

5/24/17 - Referred to Coms on I.,B. & F.I. and JUD.

5/15/17 - In Senate. Read first time. To Com. On RLS. For assignment

2/27/17 - Referred to Com. on JUD.

4.

SB 333 (Anderson R)
Trusts: modification or termination

Existing law authorizes the beneficiaries of an irrevocable trust, upon the consent of all beneficiaries, to compel the modification or termination of the trust upon petition to the court. Existing law prohibits the modification or termination of an irrevocable trust if the continuance of the trust is necessary to carry out a material purpose of the trust, unless the court determines that modification or termination under the circumstances outweighs the interest in accomplishing a material purpose of the trust. Notwithstanding that provision, existing law prohibits the court from terminating a trust that is subject to a valid restraint on the transfer of a beneficiary's interest.

This bill would revise and recast these provisions to instead require the court, in making the determination described above with respect to a proposed termination of an irrevocable trust, to consider whether the trust is subject to a valid restraint on the transfer of a beneficiary's interest. The bill would delete the provision that the court is prohibited from terminating an irrevocable trust that is subject to a valid restraint on the transfer of a beneficiary's interest. The bill would also make clarifying changes. This bill contains other related provisions and other existing laws.

6/7/17 - From committee with author's amendments. Read second time and amended. Re-referred to Com. on JUD.

5/18/17 - Referred to Com. On JUD

3/21/17 - Com. on JUD. Set for hearing April 4.

WATCH

5.

AB 728 (Waldron R) ~~Crimes ineligible for expungement: elder abuse.~~

Existing law, the Knox-Keene Health Care Service Plan Act of 1975 (Knox-Keene Act), provides for the licensure and regulation of health care service plans by the Department of Managed Health Care, and makes a willful violation of the act a crime. Existing law provides for the regulation of health insurers by the Department of Insurance. Existing law imposes various requirements and

New Bill RE: Insurance Code relating to health care coverage

No longer Applicable

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| | <p>restrictions on health service plan contacts issued by health care service plans and health insurance policies issued by health insurers, including those that cover prescription drug benefits as specified.</p> <p>This bill would prohibit a health care service plan contract or a health insurance policy that covers prescription drug benefits from denying or otherwise limiting coverage of a genetically targeted drug for the treatment of Duchenne muscular dystrophy under specified circumstances. Because a willful violation of that provision by a health care service plan would impose a crime under the Knox-Keene Act, the bill would create a state-mandated local program</p> | | |
| 6. | <p>AB 1290 (Obernolte R) Lawyer-client privilege: holder of the privilege.</p> <p>Existing law provides that the client of a lawyer has a privilege to refuse to disclose, and to prevent another from disclosing, a confidential communication between the client and lawyer if the privilege is claimed by the holder of the privilege. Existing law defines “holder of the privilege” to include a guardian or conservator of the client, if the client has a guardian or conservator.</p> <p>This bill would clarify that if the conservatee or ward has appointed counsel or the conservatee has retained counsel to represent him or her in the conservatorship proceeding, the “holder of the privilege” is the conservatee or ward with regard to a confidential communication between the conservatee or ward and his or her attorney in any case or controversy between a conservator and conservatee or a guardian and a ward. respect to communications with that counsel.</p> | <p>5/10/17 - Referred to Com. On JUD 4/27/17 - Read third time. Passed. Ordered to the Senate In Senate. Read first time. To Com. On RLS for assignment 3/13/17 - Referred to Com. on JUD.</p> | From WATCH TO NEUTRAL |
| 7. | <p>SB 684 (Bates R) Incompetence to stand trial: conservatorship: treatment.</p> <p>Existing law prohibits a person from being tried or adjudged to punishment while that person is mentally incompetent. Existing law establishes a process by which a defendant’s mental competency is evaluated and by which the defendant receives treatment with the goal of returning the defendant to competency. Existing law allows a mentally incompetent defendant to be committed to the State Department of State Hospitals or other public or private treatment facility for a period of 3 years or to a period of commitment equal to the maximum term of imprisonment provided by law for the most serious offense charged, whichever is shorter, and requires the defendant to be returned to the committing court after his or her maximum period of commitment. If the defendant is gravely disabled upon his or her return to the committing court, existing law requires the court to order the conservatorship investigator of the county to initiate conservatorship proceedings on the basis that the indictment or information pending</p> | <p>6/1/2017- In Assembly. Read first time. Held at desk. 5/10/17 - Read second time. Ordered to 3rd reading. Published May 9 at 9pm 3/23/17 - Com. on PUB. S. Set for hearing April 18.</p> | OPPOSE |

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| | <p>against the person charges a felony involving death, great bodily harm, or a serious threat to the physical well-being of another person.</p> <p>This bill would also allow the initiation of conservatorship proceedings on the basis that person is gravely disabled due to a condition in which the person, as a result of a mental health disorder, is unable to provide for his or her basic personal needs for food, clothing, or shelter. This bill contains other related provisions and other existing laws.</p> | | |
| <p>8. AB 309 (Maienschein R) Testamentary additions to trusts</p> | <p>Existing law provides for the disposition of a testator’s property by will. Existing law establishes the Uniform Testamentary Additions to Trusts Act, under which a valid devise of property may be made by will to the trustee or trustees of a trust established or to be established by the testator or by the testator and some other person or by some other person, commonly referred to as a pour-over will. Existing law authorizes that devise if the trust is identified in the testator’s will and its terms are set forth in a written instrument other than a will executed before or concurrently with the execution of the testator’s will.</p> <p>This bill would also allow that written instrument to be executed after the execution of the testator’s will. The bill would make technical, no substantive change to these provisions.</p> | <p>6/07/17 - Read second time. Ordered to third reading.</p> <p>5/10/17 - Referred to Com on JUD.</p> <p>3/23/17 - Passed Assembly; In Senate. Read first time. To Com. on RLS. for assignment.</p> | <p>WATCH</p> |
| <p>9. AB 859 (Eggman D) Elder and dependent adults: abuse or neglect.</p> | <p>Existing law, the Elder Abuse and Dependent Adult Civil Protection Act, provides for the award of attorney’s fees and costs to, and the recovery of damages by, a plaintiff when it is proven by clear and convincing evidence that the defendant is liable for physical abuse or neglect, and the defendant has also been found guilty of recklessness, oppression, fraud, or malice in the commission of that abuse.</p> <p>The bill would apply a preponderance of the evidence standard to any case brought under this act that alleges physical abuse or neglect upon circumstances in which spoliation of evidence has been committed by the defendant, as specified. The bill would make conforming changes to a related provision.</p> | <p>6/5/17 - In Senate. Read first time. To Com. on RLS for assignment.</p> <p>5/26/17 - From committee: Do pass.</p> <p>3/29/17 - In committee: Set, first hearing. Hearing canceled at the request of author.</p> | <p>SUPPORT</p> |
| <p>10. SB 416 (Anderson R) Elder abuse: isolation.</p> | | | <p>SUPPORT</p> |

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| | <p>Existing law makes it a crime for a person who knows or reasonably should know that a person is an elder or dependent adult to inflict unjustifiable physical pain or mental suffering on that elder or dependent adult.</p> <p>This bill would specify that mental suffering may be proven by a pattern of isolation, as defined.</p> <p>Existing law makes it a crime for a person who knows or reasonably should know that a person is an elder or dependent adult and has the care or custody of any elder or dependent adult to willfully cause or permit the person or health of the elder or dependent adult to be injured, or willfully cause or permit the elder or dependent adult to be placed in a situation in which his or her person or health is endangered. Existing law requires a person who causes great bodily injury to the victim during the commission of that crime to receive an additional 3 years in prison if the victim is under 70 years of age, and an additional 5 years in prison if the victim is 70 years of age or older. Existing law requires a person who proximately causes the death of the victim during the commission of that crime to serve an additional 5 years in prison if the victim is under 70 years of age, and an additional 7 years in prison if the victim is 70 years of age or older. Existing law requires the court, upon a conviction for elder abuse, to consider issuing an order restraining the defendant from any contact with the victim, as specified.</p> <p>The bill would require a person who causes great bodily injury to the victim during the commission of the above specified crime to serve 5 additional years in prison, regardless of the age of the victim, and would require a person who proximately causes the death of the victim during the commission of the above specified crime to serve 7 additional years in the state prison, regardless of the age of the victim. This bill contains other related provisions and other existing laws.</p> | <p>5/25/17 - Held in committee and under submission</p> <p>3/29/17 - Com. on PUB. S. Set for hearing April 25.</p> | |
| <p>11. SB 468 (Leyva-D) Parties to civil actions: guardian or conservator</p> | <p>Existing law provides for a guardian or conservator to appear in a pending civil action or proceeding on behalf of a minor, a person who lacks legal capacity to make decisions, or a person for whom a conservator has been appointed, as specified. Existing law defines, for the purposes of these provisions, "a person lacking legal competence to make decisions" to include "a person for whom a conservator may be appointed."</p> <p>This bill would make a technical, nonsubstantive change to that provision.</p> | <p>Bill completely changed to School districts bill</p> | <p>No longer applicable</p> |

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| <p>12. SB 481 (Pan D) Long-term health facilities: informed consent.</p> | <p>Existing law requires the attending physician of a resident in a skilled nursing facility or intermediate care facility that prescribes or orders a medical intervention of a resident that requires the informed consent of a patient who lacks the capacity to provide that consent, as specified, to inform the skilled nursing facility or intermediate care facility. Existing law requires the facility to conduct an interdisciplinary team review of the prescribed medical intervention prior to the administration of the medical intervention, subject to specified proceedings. Existing law authorizes a medical intervention prior to the facility convening an interdisciplinary team review in the case of an emergency, under specified circumstances. Existing law imposes civil penalties for a violation of these provisions.</p> <p>This bill would, before implementing a medical intervention that requires informed consent for a resident that lacks capacity to make health care decisions and there is no person with legal authority able and willing to make those decisions, require the physician, skilled nursing facility, or intermediate care facility, to promptly notify the resident, orally and in writing, that it has been determined that the resident lacks capacity. The full list of specification by which this applies can be found here:</p> <p>https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB481</p> | <p>6/8/17 - Referred to Coms. on HEALTH and JUD.</p> <p>5/30/17 - Read third time. Passed (Ayes 25.Noes 12.) Ordered to Assembly</p> <p>03/02/17- Referred to Coms. on HEALTH and JUD.</p> | <p>WATCH</p> |
| <p>13. SB 565 Portantino. Mental health: involuntary commitment.</p> | <p>Existing law provides for up to 14 days of intensive treatment for a mental disorder or impairment by chronic alcoholism for a person who has been involuntarily committed and received an evaluation that meets certain specified criteria. Under existing law, before a person may be certified for a 14-day intensive treatment program, he or she is entitled to a certification review hearing conducted by a court-appointed commissioner or referee, or a certification review hearing officer. Existing law requires the mental health facility to make reasonable attempts to notify family members or any other person designated by the patient of the time and place of the certification hearing, unless the patient requests that this information not be provided.</p> <p>Under existing law, upon the completion of a 14-day period of intensive treatment, a person may be certified for an additional period of not more than 30 days of intensive treatment if the professional staff of the agency or facility treating the person has found that the person remains gravely disabled as a result of a mental disorder or impairment by chronic alcoholism, and he or she remains unwilling or unable to accept treatment voluntarily. Existing law requires a person</p> | <p>5/26/17 -Referred to Com. On HEALTH.</p> <p>5/01/17 - Read third time. Passed. (Ayes 37. Noes). Page 907) Ordered to the Assembly</p> <p>3/30/17 -From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 0.) (March 29).</p> | <p>NEUTRAL</p> |

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| <p>certified for an additional 30 days of treatment pursuant to these provisions to be provided a certification review hearing, as specified, unless a judicial review is requested.</p> <p>This bill would require the mental health facility to make reasonable attempts to notify family members or any other person designated by the patient at least 36 hours prior to the certification review hearing for the additional 30 days of treatment. The bill would make related technical, nonsubstantive changes.</p> | <p>Re-referred to Com. on APPR .</p> | |
| <p>Existing law requires, upon an application for an identification card, a fee of \$26 to be paid to the Department of Motor Vehicles. Existing law provides for a fee waiver for an original or replacement identification card to a senior citizen, as specified, or to a person who can verify his or her status as a homeless person or homeless child or youth, as specified. Existing law also provides for a reduced fee of \$6 for an original or replacement identification card to a person who has been determined to have a current income level that meets the eligibility requirements for one of specified assistance programs. Existing law requires that all fees received pursuant to those provisions be deposited in the Motor Vehicle Account.</p> <p>This bill would provide for a reduced fee of \$8 for a replacement identification card issued to an eligible inmate, as defined, upon release from a state or federal correctional facility or a county jail facility, and to an eligible patient, as defined, treated in a facility of the State Department of State Hospitals. The bill would require, as part of eligibility for the reduced fee, among other things, that the person previously held a California driver’s license or identification card, that the person has a usable photo on file with the department that is not more than 10 years old, that the person has no outstanding fees due for a prior California identification card, that the person has provided, and the department has verified, certain identifying information of the person, and that the person has provided the department, upon application, a specified verification. In the case of an inmate, the bill would require the verification to be on state or federal correctional facility letterhead or county sheriff letterhead, and to contain the original signature of an official from those respective entities. By creating new duties for county sheriffs, this bill would impose a state-mandated local</p> | <p>6/6/17 - From committee: Do pass and re-refer to Com. on APPR. (ayes 13. Noes 0.) (June 6). Re-referred to Com. on APPR. 5/1/17. In Senate.</p> <p>5/10/17 - Referred to Com. On T. & H.</p> <p>5/01/17 - In Senate</p> <p>3/21/17 From committee: Do pass and re-refer to Com. on APPR. (Ayes 13. Noes 1.).</p> | <p>SUPPORT</p> |
| <p>Existing law governs the procedures for litigation to resolve certain disputes relating to property that is subject to an estate, conservatorship, guardianship, or trust. These procedures include,</p> | <p>6/7/17 - Read second time. Ordered to Consent Calendar.</p> | <p>NEUTRAL</p> |

14.

**AB 790 (Stone, M) –
Reduced cost ID cards**

15.

**AB 308 (Maienschein R)
Procedures for litigation**

among others, a requirement to serve the petition for relief and a notice of hearing on specific persons.

This bill would require the notice of hearing to include a description of the property at issue, whether the petition seeks specified damages or attorney’s fees and costs, and a statement that any person interested in the property may file a response to the petition. This bill contains other related provisions and other existing laws.

03/20/17
Passed Assembly;
In Senate. Read first
time. To Com. on RLS.
for assignment.

The Health Care Decisions Law, among other things, provides for an individual’s use of a request regarding resuscitative measures, which is a written document, signed by an individual with capacity or a legally recognized health care decision maker for the individual, and the individual’s physician, that directs a health care provider regarding resuscitative measures for the individual. The law excludes a health care provider who honors a request regarding resuscitative measures from criminal prosecution, civil liability, discipline for unprofessional conduct, administrative sanction, or any other sanction, as a result of his or her reliance on the request, if specific conditions are met. The law, provides, if the orders in an individual’s request regarding resuscitative measures directly conflict with his or her individual health care instruction, as defined, that to the extent of the conflict, the most recent order or instruction is effective.

This bill would provide that to the extent of that conflict, the most recent of either the instruction by the individual, or the orders in a request regarding resuscitative measures executed by the individual or other specified persons, is effective.

Existing law provides that unless a power of attorney for health care provides otherwise, the agent designated in the power of attorney who is known to the health care provider to be reasonably available and willing to make health care decisions has priority over any other person in making health care decisions for the principal. Existing law also authorizes a patient to designate an adult as a surrogate to make health care decisions for the patient for up to 60 days, as specified, and provides that a designated surrogate has priority over an agent designated in a power of attorney for health care for that period.

This bill would harmonize these provisions by clarifying that, except when a surrogate has been designated as described above, the agent designated in the power of attorney for health care

6/1/17 - Referred to
Coms. on HEALTH and
JUD.

5/22/17 - In Senate.
Read first time To Com.
on RLS for assignment.

5/10/17 - Referred to
Com. On JUD.

3/27/17 In committee:
Set, first hearing.
Hearing canceled at the
request of author.

Awaiting feedback from author

16. **AB 937 (Eggman),**
Requests regarding
resuscitative measures:
resolution of conflicting
orders

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| | | has priority over any other person in making health care decisions for the principal, unless the power of attorney provides otherwise | | |
| 17. | SB 153 (Anderson), Estates and trusts: donative transfers | <p>Existing law creates a presumption of fraud or undue influence, under certain circumstances, for any instrument that makes a donative transfer to specified persons, including, among others, a person in a fiduciary relationship with the transferor who transcribed the instrument or caused it to be transcribed.</p> <p>This bill would recast this presumption to apply to a donative transfer to a person who transcribed the instrument or caused it to be transcribed and who was in a fiduciary relationship with the transferor when the instrument was transcribed. Existing law creates exceptions to presumptions of fraud or undue influence for gifts where the donative instrument is reviewed by an independent attorney who counsels the transferor, as specified, about the nature of the transfer. Existing law specifies how gifts operate if they fail under the provisions providing presumptions of fraud or undue influence for donative transfers. Existing case law construes the term “donative transfer” to include, in addition to gifts, a transfer for inadequate or unfair consideration.</p> <p>This bill would replace the term “gift” with the term “donative transfer” for purposes of these provisions. Existing law states the intent of the Legislature that the above-referenced provisions regarding these presumptions supplement the common law of undue influence. This bill would state that it is the intent of the Legislature that these rules also supplement the common law of fraud.</p> | <p>5/18/17 - Referred to Com. On JUD.</p> <p>4/20/17 - In Assembly</p> <p>3/21/17 Com. on JUD. Set for hearing April 4.</p> | SUPPORT |
| 18. | AB 191 (Wood), Mental health: involuntary treatment | <p>Adds a licensed marriage and family therapist and a licensed professional clinical counselor to the list of professionals who are authorized to sign notices of certification for persons subject to specified involuntary treatment holds under the Lanterman-Petris-Short (LPS) Act.</p> | <p>5/30/17 - Hearing postponed by committee</p> <p>5/10/17 - Referred to Com. On HEALTH.</p> <p>3/30/17 Passed Assembly; In Senate. Read first time.</p> | SUPPORT |

| | | To Com. on RLS. for assignment. | |
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| <p>19. AB 477 (Ridley-Thomas), Community mental health services</p> | <p>Existing law provides for the California Health and Human Services Agency, which includes, among other agencies, the State Department of Health Care Services, the State Department of Developmental Services, and the Department of Managed Health Care. Under existing law, various state and local agencies are responsible for providing or arranging for the provision of behavioral health services to adults and children in the state.</p> <p>This bill would establish the Behavioral Health Stakeholder Advisory Panel, an independent, statewide advisory board to provide ongoing advice and assistance on behavioral health program needs and priorities to the California Health and Human Services Agency, including making recommendations on actions to improve the collaboration and processes of the multiple agencies involved in California’s behavioral health delivery system. The bill would specify the membership of the panel, as appointed by the Secretary of California Health and Human Services, and members of the advisory panel would serve on a voluntary basis, without compensation. The bill would set forth the minimum powers and duties of the advisory panel and the agency. The bill would require the panel to annually report to the Legislature on the advisory panel’s accomplishments, effectiveness, efficiency, including any recommendations for statutory changes needed to improve the effective delivery of behavioral health services in the state and the ability of the advisory panel to fulfill its purpose. The bill would be implemented only to the extent that funding from nonstate sources is received for its purposes.</p> | <p>4/25/17 - In committee: Set, first hearing. Hearing cancelled at request of Author</p> <p>3/27/17 Re-referred to Com. on HEALTH</p> | <p>NEUTRAL</p> |
| <p>20. AB 488 (Kiley),– Mental Health Services Act</p> | <p>This bill would establish the Mental Health Services Fund Transparency and Accountability Office within the California Health and Human Services Agency, as specified. The bill would transfer various functions of the State Department of Health Care Services under the act to the office. Under this bill, the office would succeed to, and be vested with, all the duties, powers, responsibilities, and jurisdiction, vested in the department, regarding oversight of the Mental Health Services Fund, as specified. The bill would also require the office to assume certain duties, including, among others, initiating investigations, advising counties, conducting research, and reporting to the Legislature, by December 31, 2019, of any additional authority it deems necessary to complete its duties and to ensure county</p> | <p>2/27/17 - Referred to Com. on HEALTH</p> | <p>SUPPORT</p> |

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| | <p>compliance with the act, as specified. The bill would make conforming changes to other provisions to reflect the transfer of those mental health responsibilities.</p> <p>Existing law authorizes the act to be amended by a 2/3 vote of the Legislature if the amendments are consistent with, and further the intent of, the act. Existing law authorizes the Legislature to add provisions to clarify procedures and terms of the act by majority vote.</p> <p>This bill would make legislative findings and declarations relating to mental health services in California and stating that the provisions of this bill are consistent with, and further the intent of, the act. By amending the provisions of the act, this bill would require a 2/3 vote of the Legislature.</p> | | |
| <p>21. AB 720 (Eggman), Inmates: psych meds: informed consent</p> | <p>Existing law prohibits, except as specified, a person sentenced to imprisonment in a county jail from being administered any psychiatric medication without his or her prior informed consent.</p> <p>This bill would extend to an inmate confined in a county jail the protection from being administered any psychiatric medication without his or her prior informed consent, with certain exceptions. The bill would impose additional criteria that must be satisfied before a county department of mental health or other designated county department may administer involuntary medication. This criteria include that the jail first attempted to transfer the inmate to a community-based treatment facility, under certain conditions, in lieu of seeking involuntary administration of psychiatric medication, and, if the inmate is awaiting resolution of a criminal case, that a hearing to administer involuntary medication on a nonemergency basis, be held before, and any requests for ex parte orders be submitted to, a judge in the superior court where the criminal case is pending. The bill would also set limits on the amount of time such orders are valid. The bill would require any court-ordered psychiatric medicine to be administered in consultation with a psychiatrist who is not involved in the treatment of the inmate at the jail, if one is available. The bill would also make a clarifying change. The bill would require a county that administers involuntary psychiatric medication to file a report with prescribed information to certain committees of the Legislature, as specified.</p> | <p>6/6/17 - From committee chair, with author's amendments: Amend, and Re-refer to committee. Read second time, amended and re-referred to Com. on PUB. S.</p> <p>5/22/17 - In Senate. Read first time. To Com. On RLS for assignment</p> <p>3/28/17 - Re-referred to Com on PUB S</p> | <p>SUPPORT</p> |
| <p>22. AB 750 (Gallagher), \ - Criminal law: competency Competency State Dept. of</p> | <p>Existing law requires, if a defendant in a criminal proceeding is found mentally incompetent, the trial or judgment to be suspended until the person becomes mentally competent. Existing law</p> | <p>4/03/17 - Re-referred to Com. On HEALTH.</p> | <p>OPPOSE</p> |

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| <p>State Hospitals: appropriation</p> | <p>requires the court to order a mentally incompetent defendant to be delivered by the sheriff to a state hospital for the care and treatment of the mentally disordered, as directed by the State Department of State Hospitals, or to any other available public or private treatment facility approved by the community program director that will promote the defendant's speedy restoration to mental competence, or placed on outpatient status, as specified.</p> <p>This bill would appropriate an unspecified sum to the State Department of State Hospitals for the purpose of expanding jail-based competency treatment programs for those deemed incompetent to stand trial.</p> <p>This bill would appropriate an unspecified sum to the State Department of State Hospitals for the purpose of expanding jail-based competency treatment programs for those deemed incompetent to stand trial.</p> | <p>3/30/17 From committee chair, re-refer to Com. on HEALTH. Read second time and amended.</p> | |
| <p>23. SB 237 (Hertzberg), -- Criminal procedure: arrest</p> | <p>Existing law requires that a person arrested without a warrant be taken before a magistrate without unnecessary delay. Existing law also provides certain circumstances under which a person arrested without a warrant may be released from custody before being taken before a magistrate, including, among others, when the arresting officer believes that insufficient grounds exist to make a criminal complaint against the person arrested or when the person is arrested for intoxication only and no further proceedings are desirable.</p> <p>This bill would authorize an arresting officer to release an arrested person from custody without taking him or her before a magistrate if the person is delivered, subsequent to being arrested, to a specified facility for the purpose of mental health evaluation and treatment and no further criminal proceedings are desirable.</p> | <p>5/18/17 - Referred to Com. On PUB. S.</p> <p>3/30/17 Passed Senate; In Assembly. Read first time. Held at Desk.</p> | <p>SUPPORT</p> |
| <p>24. AB 1539 (Chen) Mental Health.</p> | <p>Existing law, the Lanterman-Petris-Short Act, provides for the involuntary commitment and treatment of persons with specified mental disorders for the protection of the persons so committed. Under the act, when a person, as a result of a mental health disorder, is a danger to others, or to himself or herself, or is gravely disabled, he or she may, upon probable cause, be taken into custody by a peace officer, a member of the attending staff of an evaluation facility, designated members of a mobile crisis team, or another designated professional person, and placed in a facility designated by the county and approved by the State Department of Social</p> | <p>5/09/17 - In committee: Hearing postponed by committee.</p> | <p>OPPOSE</p> |

Services as a facility for 72-hour treatment and evaluation. Existing law, for these purposes defines “gravely disabled” to mean either a condition in which a person, as a result of a mental health disorder or chronic alcoholism, is unable to provide for his or her basic personal needs for food, clothing, or shelter, or a condition in which a person has been found mentally incompetent, as specified, and various facts exist. Existing law also provides immunity from civil and criminal liability for the detention for specified licensed general acute care hospitals, licensed acute psychiatric hospitals, licensed professional staff at those hospitals, or any physician and surgeon providing emergency medical services in any department of those hospitals if various conditions are met, including that the detained person cannot be safely released from the hospital because, in the opinion of specified treating staff, the person, as a result of a mental disorder, presents a danger to himself or herself, or others, or is gravely disabled, as defined.

This bill would expand the above definition of “gravely disabled” to also include a condition in which a person, as a result of a mental health disorder or chronic alcoholism, as applicable, is unable to provide for his or her medical care. The bill would make conforming changes.

Existing law prohibits a person from being tried or adjudged to punishment while that person is mentally incompetent. Existing law establishes a process by which a defendant’s mental competency is evaluated and by which the defendant is committed to a facility for treatment. If the defendant is gravely disabled, as defined above, upon his or her return to the committing court, existing law requires the court to order the conservatorship investigator of the county to initiate conservatorship proceedings on the basis that the indictment or information pending against the person charges a felony involving death, great bodily harm, or a serious threat to the physical well-being of another person.

By expanding the above definition of “gravely disabled,” the bill would increase the duties on local agencies, and would therefore impose a state-mandated local program.