



## Legislation Update – 5/19/2020

Due to the COVID-19 Pandemic, the 2020 legislative session was dramatically reduced with the Legislature focusing primarily on bills that address the COVID-19 crisis, homelessness and wildfires. Consequently, and unfortunately, the following two legislative initiatives put forward by our Association on behalf of our members have been pulled by our authors:

1. [SB 919](#) (introduced by Senator Wieckowski). This bill would increase the minimum compensation for Public Administrators to \$1,600. The bill would require the Judicial Council to increase that minimum compensation based on the California Consumer Price Index every 3 years.
2. PAPGPC Budget Ask (introduced by Assemblyman Nazarian). This Budget Ask was for \$120 million for on-going funding for PAPGPC offices. The request included language requesting the funds augment, not supplant, current county spending.

The Association has been closely tracking the following bills, several of which are no longer being pursued.

### [SB 1254](#) (Introduced by Senator Moorlach)

**Amended: 5/6/2020 – The Association and its partners successfully opposed this bill, which has been withdrawn by the author, so it won't be going forward.**

**Guardians ad litem: mental illnesses.** Would establish an additional procedure for the appointment of a guardian ad litem for a person who lacks the capacity to make rational informed decisions regarding medical care, mental health care, safety, hygiene, shelter, food, or clothing with a rational thought process due to a mental illness, defect, or deficiency. The bill would authorize certain persons to petition the court for the appointment of a guardian ad litem under these provisions and would establish the procedures that would govern the filing of a petition, its notice provisions, and court procedures. Under certain circumstances, the bill would require the court to appoint the public defender or private counsel to represent a person who is the subject of a petition.

### [AB 1946](#) (Introduced by Assembly Members Santiago and Friedman)

**Amended: 5/4/2020 - This bill was withdrawn by the authors, so it won't be going forward.**

**Mental health services: involuntary detention.** Under the Lanterman-Petris-Short Act, if a person, as a result of a mental health disorder, is a danger to others, or to themselves, or is gravely disabled, the person 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 Services as a facility for 72-hour treatment and evaluation. This bill would expand the definition of “gravely disabled” for these purposes to also include a condition in which a person, as a result of a mental health disorder, is unable to provide for their basic personal needs for medical treatment, if the failure to receive medical treatment, as defined, would likely result in serious bodily harm or death, as attested in writing by a medical professional in their best medical judgment.

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**AB 2404 (introduced by Assemblyman Ramos)**

**Amended: 5/4/2020 - This bill was withdrawn by the author, so it won't be going forward.**

**Mental health: involuntary commitment.** Under current law, when a person, as a result of mental disorder, is a danger to self or others, or gravely disabled, the person may, upon probable cause, be taken into custody by a peace officer, member of the attending staff of an evaluation facility, designated members of a mobile crisis team, or other designated professional person, and placed in a facility designated by the county and approved by the State Department of Social Services. Current law authorizes, if a designated facility assesses and admits the person, the facility to detain the person for evaluation and treatment for a period not to exceed 72 hours. This bill would require each county to establish a countywide hotline to respond to calls relating to individuals with mental health issues, including calls relating to taking a person into custody pursuant to the above-described provisions.

**AB 2576 (introduced by Assemblyman Gloria)**

**Amended: 5/4/2020 – Moving forward and our Association has taken a “Neutral” position.**

**Mental health.** Under the Mental Health Services Act, funds are distributed to counties for local assistance, and must be spent for their authorized purpose within 3 years or revert to the state to be deposited into the fund to be reallocated to other counties for the purposes for which the unspent funds were initially allocated to the original county. The MHSA permits amendment by the Legislature by a 2/3 vote of each house if the amendment is consistent with, and furthers the intent of, the MHSA. This bill would amend the MHSA by requiring the reverted funds to be used for the purposes of providing services to individuals with mental illness who are also experiencing homelessness or who are involved in the criminal justice system and providing early intervention services to youth.

**AB 2844 (introduced by Assemblyman Obernolte)**

**Amended: 5/4/2020 – Moving forward and our Association has taken a “Watch” position.**

**Guardians and conservators: duties: accountings.** The Guardianship-Conservatorship Law generally establishes the standards and procedures for the appointment and termination of an appointment for a guardian or conservator of a person, an estate, or both. Current law requires a guardian or conservator to present the accounting of the assets of the estate of the ward or conservatee to the court at specified intervals and defines an “account statement” for these purposes to include an original account statement from any institution or financial institution. This bill would expand the definition of “account statement” to include a verified electronic statement that is certified under penalty of perjury in a specified manner.