

COMIO Summary Status

Criminal Justice and Behavioral Health Bills as of August 31, 2017

AB 741

(Williams D) Mental health: community care facilities.

Current Text: Enrolled: 8/31/2016 [pdf](#) [html](#)

Introduced: 2/25/2015

Last Amend: 8/19/2016

Status: 8/30/2016-Senate amendments concurred in. To Engrossing and Enrolling.

Location: 8/30/2016-A. ENROLLMENT

Summary: Existing law, the California Community Care Facilities Act, provides for the licensing and regulation of community care facilities, as defined, by the State Department of Social Services. Existing law includes within the definition of community care facility a short-term residential treatment center, which is a residential facility licensed by the department and operated by any public agency or private organization that provides short-term, specialized, and intensive treatment, and 24-hour care and supervision to children. A violation of the act is a misdemeanor. This bill would authorize a short-term residential treatment center to be operated as a children's crisis residential center, as defined, and would require the department to regulate those programs, as specified. The bill would require the State Department of Health Care Services, in consultation with the County Behavioral Health Directors Association of California and representatives of provider associations, to establish interim Medi-Cal rates for children's crisis residential services, as prescribed. By expanding the types of facilities that are regulated as a community care facility, this bill would expand the scope of an existing crime, thus creating a state-mandated local program. This bill contains other related provisions and other existing laws.

AB 847

(K. Mullin (D)) Mental health: community-based services

Current Text:

Introduced:

Last Amend:

Status: 04/11/2016 Apr. 11 Chaptered by Secretary of State - Chapter 6, Statutes of 2016.

Location:

Summary: The Protecting Access to Medicare Act of 2014, requires the United States Secretary of Health and Human Services to no later than September 1, 2017, select from among those states awarded a planning grant, the states that may participate in a time-limited demonstration program that is designed to improve access to community mental health and substance use treatment services provided by certified community behavioral health clinics. This bill would require the State Department of Health Care Services to develop a proposal for the United States Secretary of Health and Human Services to be selected as a participating state in the time-limited demonstration program described above to receive enhanced federal matching funds for mental health services provided by certified community behavioral health clinics to Medi-Cal beneficiaries.

AB 885

(Lopez D) Foster youth.

Current Text: Enrollment: 9/1/2016 [pdf html](#)

Introduced: 2/26/2015

Last Amend: 8/17/2016

Status: 9/1/2016-Enrolled and presented to the Governor at 4:30 p.m.

Location: 9/1/2016-A. ENROLLED

Summary: Existing law, the California Fostering Connections to Success Act, revises and expands the scope of various programs relating to cash assistance and other services to and for the benefit of certain foster and adopted children, and other children who have been placed in out-of-home care, including children who receive Aid to Families with Dependent Children-Foster Care (AFDC-FC), the Adoption Assistance Program, California Work Opportunity and Responsibility to Kids (CalWORKs), and Kinship Guardianship Assistance Payment (Kin-GAP) benefits. Among other provisions, the act extends specified foster care benefits to youth up to 21 years of age, if specified conditions are met. This bill would delete the requirement that the former guardian or adoptive parent no longer receive aid on behalf of the nonminor before a juvenile court may resume dependency jurisdiction for purposes of extending foster care benefits. The bill would require the State Department of Social Services to define the term "ongoing support" for the purposes of the provisions described above. The bill would also make changes to the requirement that a nonminor former dependent child or ward be receiving AFDC-FC as one criterion for continued eligibility to receive aid, and would instead only require that he or she be eligible for AFDC-FC. Because the bill would expand the application of the above county-administered programs, the bill would impose a state-mandated local program. The bill would make other technical, nonsubstantive and conforming changes to related provisions. This bill contains other related provisions and other existing laws.

AB 1300

(S. Ridley-Thomas (D)) Mental health: involuntary commitment

Current Text:

Introduced:

Last Amend:

Status: 06/30/2016 June 30 From committee: Do pass and re-refer to Com. on RLS. (Ayes 7. Noes 0.) (June 29). Re-referred to Com. on RLS. [Note: I believe this one is dead.]

Location:

Summary: Under current law, when a person, as a result of a mental 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, 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 Health Care Services as a facility for 72-hour treatment and evaluation. This bill would authorize a nondesignated emergency physician or psychiatric professional, upon probable cause, to take the person into custody for a period of up to 72 hours for the purpose of obtaining evaluation and treatment from a designated professional person or to arrange the transfer of the person to a designated facility.

AB 1618

(Committee on Budget) Mental health services.

Current Text: Chaptered: 7/1/2016 [pdf html](#)

Introduced: 1/7/2016

Last Amend: 6/23/2016

Status: 7/1/2016-Chaptered by Secretary of State - Chapter 43, Statutes of 2016.

Location: 7/1/2016-A. CHAPTERED

Summary: (1) The Mental Health Services Act (MHSA), an initiative measure enacted by the voters as Proposition 63 at the November 2, 2004, statewide general election, imposes a 1% tax on that portion of a taxpayer's taxable income that exceeds \$1,000,000 and requires that the revenue from that tax be deposited in the Mental Health Services Fund to fund various county mental health programs. The MHSA authorizes the Legislature to amend its provisions by a 2/3 vote, provided that the amendment is consistent with and furthers the intent of the act. This bill would establish the No Place Like Home Program, to be administered by the Department of Housing and Community Development. The bill would require the department to award \$2,000,000,000 through a competitive program among counties to finance capital costs, including, but not limited to, acquisition, design, construction, rehabilitation, or preservation, and to capitalize operating reserves, of permanent supportive housing for the target population, as specified. The bill would further require the department to allocate \$1,800,000,000 to a competitive program, as specified, and would require that applicants meet specified requirements to be eligible to apply for funding and would require the department to evaluate applications using specified criteria. The bill would require the department to award moneys in four rounds, as provided. The bill would require the department to allocate \$200,000,000 among all counties within this state in amounts based on a calculation of the number of homeless persons residing in each county or in \$500,000 amounts, whichever is greater for each county. The bill would establish, and continuously appropriate, the No Place Like Home Fund for these purposes. The bill would also appropriate \$6,200,000 from the Mental Health Services Fund to the department to provide technical and application preparation assistance to counties. The bill would require counties to annually report to the department on activities funded under these provisions, as provided. This bill contains other related provisions and other existing laws.

AB 1843

(Stone, Mark D) Applicants for employment: criminal history.

Current Text: Enrolled: 8/29/2016 [pdf](#) [html](#)

Introduced: 2/9/2016

Last Amend: 8/11/2016

Status: 8/25/2016-Senate amendments concurred in. To Engrossing and Enrolling.

Location: 8/25/2016-A. ENROLLMENT

Summary: Existing law prohibits an employer, whether a public agency or private individual or corporation, from asking an applicant for employment to disclose, or from utilizing as a factor in determining any condition of employment, information concerning an arrest or detention that did not result in a conviction, or information concerning a referral or participation in, any pretrial or posttrial diversion program, except as specified. Existing law also prohibits an employer, as specified, from asking an applicant to disclose, or from utilizing as a factor in determining any condition of employment, information concerning a conviction that has been judicially dismissed or ordered sealed, except in specified circumstances. Existing law specifies that these provisions do not prohibit an employer at a health facility, as defined, from asking an applicant for a specific type of employment about arrests for certain crimes. Existing law makes it a crime to intentionally violate these provisions. This bill would also prohibit an employer from asking an applicant for employment to disclose, or from utilizing as a factor in determining any condition of employment, information concerning or related to an arrest, detention, processing, diversion, supervision, adjudication, or court disposition that occurred while the person was subject to the process and jurisdiction of juvenile court law. The bill, for the purposes of the prohibitions and exceptions described above, would provide that "conviction" excludes an adjudication by a juvenile court or any other court order or action taken with respect to a person who is under the jurisdiction of the juvenile

court law, and would make related and conforming changes. The bill would prohibit an employer at a health facility from inquiring into specific events that occurred while the applicant was subject to juvenile court law, with a certain exception, and from inquiring into information concerning or related to an applicant's juvenile offense history that has been sealed by the juvenile court. The bill would require an employer at a health facility seeking disclosure of juvenile offense history under that exception to provide the applicant with a list describing offenses for which disclosure is sought. This bill contains other related provisions and other existing laws.

AB 1962

(Dodd D) Criminal proceedings: mental competence.

Current Text: Enrollment: 8/31/2016 [pdf](#) [html](#)

Introduced: 2/12/2016

Last Amend: 6/6/2016

Status: 8/31/2016-Enrolled and presented to the Governor at 4 p.m.

Location: 8/31/2016-A. ENROLLED

Summary: 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, which includes requiring the court to appoint a psychiatrist or licensed psychologist, and any other expert the court may deem appropriate. This bill would, on or before July 1, 2017, require the State Department of State Hospitals, through the use of a workgroup representing specified groups, to adopt guidelines for education and training standards for a psychiatrist or licensed psychologist to be considered for appointment by the court. The bill would provide that if there is no reasonably available expert who meets the guidelines, the court shall have discretion to appoint an expert who does not meet the guidelines.

AB 1998

(Campos D) Juveniles: data collection.

Current Text: Enrollment: 8/30/2016 [pdf](#) [html](#)

Introduced: 2/16/2016

Last Amend: 8/15/2016

Status: 8/30/2016-Enrolled and presented to the Governor at 4 p.m.

Location: 8/30/2016-A. ENROLLED

Summary: Existing law establishes in each county treasury a Supplemental Law Enforcement Services Account (SLESA) to fund specified local programs related to corrections. Existing law requires that 50% of the moneys received into the county SLESA be allocated to implement a comprehensive multiagency juvenile justice plan developed by the local juvenile justice coordinating council in each county or city and county, and approved by the Board of State and Community Corrections (board). Existing law requires the juvenile justice plans to include specified assessments of services and strategies to assist at-risk juveniles. This bill would recast those requirements to also include, among other things, a description of the programs, strategies, and system enhancements proposed to be funded by the county SLESA. The bill would delete the requirement that the board review the plan, and would instead require annual review and updating of the plan by the local juvenile justice coordinating council in a format specified by the board, and annual reports by the county or city and county to the county board of supervisors and to the board on the programs, strategies, and system enhancements funded by the county SLESA and expenditures for those purposes. The bill would require the board to compile those local reports summarizing the programs, strategies, and system enhancements and related expenditures made by each county and city and county and to report that data annually to the Governor and the Legislature. The bill would require the board to post on its Internet Web site a description

or summary of the programs, strategies, or system enhancements from the local reports and to post the annual report. The bill would authorize the local reports and the annual report to be consolidated with certain reports pertaining to the Youthful Offender Block Grant program. By imposing additional duties on local entities, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

AB 2005

(Ridley-Thomas D) Juveniles: out-of-state placement.

Current Text: Enrollment: 8/30/2016 [pdf](#) [html](#)

Introduced: 2/16/2016

Last Amend: 8/15/2016

Status: 8/30/2016-Enrolled and presented to the Governor at 4 p.m.

Location: 8/30/2016-A. ENROLLED

Summary: Existing law establishes the jurisdiction of the juvenile court, under which the juvenile court may adjudge a person who is under 18 years of age when he or she violates any law or ordinance to be a ward of the court, as specified. Existing law authorizes the court to make any reasonable orders for the care, supervision, custody, conduct, maintenance, and support of the minor who is adjudged a ward of the court. In the discretion of the court, existing law authorizes the court to order a ward to be on probation without the supervision of the probation officer. In all other cases, existing law requires the court to order the care, custody, and control of the minor to be under the supervision of a probation officer who is required to determine the appropriate placement for the ward, and authorizes the probation agency to place the minor in specified treatment settings, including the approved home of a relative or nonrelative, a foster home, or a suitable licensed community care facility. As an alternative to these types of treatments, existing law authorizes the court to commit the minor to a juvenile home, ranch, camp, or forestry camp. The bill would clarify that these provisions shall not be construed to authorize the court to commit the minor to a juvenile home, ranch, camp, or forestry camp outside of the state. This bill contains other related provisions and other existing laws.

AB 2017

K. McCarty (D) College Mental Health Services Program

Current Text:

Introduced:

Last Amend:

Status: 08/29/2016 Aug. 29 Senate amendments concurred in. To Engrossing and Enrolling.

Location:

Summary: Current law, the Mental Health Services Act, an initiative measure enacted by the voters as Proposition 63 at the November 2, 2004, statewide general election, funds a system of county mental health plans for the provision of mental health services, as specified. Existing law provides for the operation and administration of various mental health programs at a statewide and county level, as specified. This bill, until January 1, 2022, would require the Mental Health Services Oversight and Accountability Commission, subject to appropriation by the Legislature, to create a grant program for public community colleges, colleges, and universities for purposes of improving access to mental health services on those campuses, as specified.

AB 2442

(Holden D) Density bonuses.

Current Text: Enrolled: 8/30/2016 [pdf](#) [html](#)

Introduced: 2/19/2016

Last Amend: 8/19/2016

Status: 8/29/2016-Senate amendments concurred in. To Engrossing and Enrolling.

Location: 8/29/2016-A. ENROLLMENT

Summary: The Planning and Zoning Law requires, when an applicant proposes a housing development within the jurisdiction of the local government, that the city, county, or city and county provide the developer with a density bonus and other incentives or concessions for the production of lower income housing units or for the donation of land within the development if the developer, among other things, agrees to construct a specified percentage of units for very low, low-, or moderate-income households or qualifying residents. This bill would additionally require a density bonus to be provided to a developer that agrees to construct a housing development that includes at least 10% of the total units for transitional foster youth, disabled veterans, or homeless persons, as defined. The bill would require that these units be subject to a recorded affordability restriction of 55 years and be provided at the same affordability level as very low income units. The bill would set the density bonus at 20% of the number of these units. By increasing the duties of local agencies, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

AB 2765

(Weber D) Proposition 47: sentence reduction.

Current Text: Enrolled: 8/29/2016 [pdf](#) [html](#)

Introduced: 2/19/2016

Last Amend: 5/19/2016

Status: 8/26/2016-In Assembly. Ordered to Engrossing and Enrolling.

Location: 8/26/2016-A. ENROLLMENT

Summary: Existing law, the Safe Neighborhoods and Schools Act, enacted by Proposition 47, as approved by the voters at the November 4, 2014, statewide general election, reduced the penalties for various crimes. Under the provisions of the act, a person currently convicted of a felony or felonies who would have been guilty of a misdemeanor under the act if the act had been in effect at the time of the conviction may petition or apply to have the sentence reduced in accordance with the act. That act requires that this petition or application be filed before November 4, 2017, or at a later date upon a showing of good cause. This bill would instead authorize a person to petition or apply for a reduction of sentence before November 4, 2022, or at a later date upon a showing of good cause. Because the bill would extend the period of time in which a person could file a petition or application without a showing of good cause, the bill would amend the act and would require a 2/3 vote of the Legislature. This bill contains other existing laws.

SB 266

(Block D) Probation and mandatory supervision: flash incarceration.

Current Text: Enrollment: 8/30/2016 [pdf](#) [html](#)

Introduced: 2/19/2015

Last Amend: 6/27/2016

Status: 8/30/2016-Enrolled and presented to the Governor at 1:30 p.m.

Location: 8/30/2016-S. ENROLLED

Summary: Existing law authorizes probation and mandatory supervision, which in each case is a period of time when a defendant is released from incarceration and is subject to specified conditions and supervision by county probation authorities. This bill would, until January 1, 2021, allow a court to authorize the use of flash incarceration, as defined, to detain the offender in county jail for not more than 10 days for a violation of

his or her conditions of probation or mandatory supervision, as specified. These provisions would not apply to persons convicted of certain drug possession offenses. The bill would, until January 1, 2021, allow a person to receive credits earned for a period of flash incarceration pursuant to these provisions if his or her probation or mandatory supervision is revoked.

SB 614

(Hertzberg D) Criminal procedure: legal assistance: ability to pay.

Current Text: Enrollment: 8/30/2016 [pdf](#) [html](#)

Introduced: 2/27/2015

Last Amend: 8/18/2016

Status: 8/30/2016-Assembly amendments concurred in. (Ayes 39. Noes 0.) Ordered to engrossing and enrolling.

Location: 8/30/2016-S. ENROLLMENT

Summary: Existing law requires a court to assign counsel to defend a defendant if the defendant desires the assistance of counsel and cannot afford to pay for counsel. Upon conclusion of the proceedings against the defendant, or withdrawal of counsel, existing law authorizes the court to make a determination of the ability of a defendant to pay all or a portion of his or her defense. Existing law authorizes the court to order a defendant to reimburse the county for those costs. Existing law provides a presumption that a defendant sentenced to state prison is determined not to have a reasonably discernible future financial ability to reimburse the costs of his or her defense, except as specified. This bill would extend that presumption to a defendant sentenced to county jail for a period longer than 364 days.

SB 955

(Beall D) State hospital commitment: compassionate release.

Current Text: Enrollment: 8/30/2016 [pdf](#) [html](#)

Introduced: 2/4/2016

Last Amend: 8/1/2016

Status: 8/30/2016-Assembly amendments concurred in. (Ayes 27. Noes 12.) Ordered to engrossing and enrolling.

Location: 8/30/2016-S. ENROLLMENT

Summary: Existing law requires, when a defendant pleads not guilty by reason of insanity, that a jury determine whether the defendant was sane or insane at the time the offense was committed. Under existing law, if a defendant is found to be not guilty by reason of insanity, the court is required to commit the person to a state hospital, or a public or private treatment facility, or place him or her on outpatient status, as specified. Existing law, subject to exceptions, authorizes the release of a prisoner from state prison if the court finds that the prisoner is terminally ill with an incurable condition caused by an illness or disease that would produce death within 6 months, as determined by a physician employed by the department, and that conditions under which the prisoner would be released or receive treatment do not pose a threat to public safety. This bill would establish similar compassionate release provisions for a defendant who has been committed to a state hospital because, among other reasons, the defendant is incompetent to stand trial or to be adjudged to punishment, or the defendant is a mentally disordered offender, including a person who has been found not guilty by reason of insanity. The bill would make additional conforming changes and would authorize the director to adopt emergency regulations to implement these provisions.

SB 1004

(Hill D) Young adults: deferred entry of judgment pilot program.

Current Text: Enrollment: 8/31/2016 [pdf](#) [html](#)

Introduced: 2/10/2016

Last Amend: 8/18/2016

Status: 8/31/2016-Enrolled and presented to the Governor at 3 p.m.

Location: 8/31/2016-S. ENROLLED

Summary: Existing law provides that entry of judgment may be deferred with respect to a defendant who is charged with certain crimes involving possession of controlled substances, who pleads guilty to the charge or charges, and who meets certain criteria, including that he or she has no prior convictions for any offense involving controlled substances and has had no felony convictions within the 5 years prior, as specified. Existing law requires the criminal charge or charges to be dismissed if the defendant has performed satisfactorily in a specified program during the period in which deferred entry of judgment was granted. This bill would authorize specified counties to establish a pilot program to operate a deferred entry of judgment pilot program for eligible defendants. The bill would authorize a defendant to participate in the program within the county's juvenile hall if that person is charged with committing a felony offense, except as specified, he or she pleads guilty to the charge or charges, and the probation department determines that the person meets specified requirements, including that the defendant is 18 years of age or older, but under 21 years of age on the date the offense was committed, is suitable for the program, and shows the ability to benefit from services generally reserved for delinquents. The bill would require the probation department to develop a plan for reentry services. This bill contains other related provisions and other existing laws.

SB 1143

(Leno D) Juveniles: room confinement.

Current Text: Enrollment: 8/31/2016 [pdf html](#)

Introduced: 2/18/2016

Last Amend: 8/15/2016

Status: 8/31/2016-Enrolled and presented to the Governor at 3 p.m.

Location: 8/31/2016-S. ENROLLED

Summary: Existing law permits minors who are detained in juvenile hall for habitual disobedience, truancy, or curfew violation to be held in the same facility as minors who are detained for violating any law or ordinance defining a crime, if they do not come or remain in contact with each other. Existing law also permits the detention of minors in jails and other secure facilities for the confinement of adults if the minors do not come or remain in contact with confined adults and other specified conditions are met. This bill would, commencing January 1, 2018, place restrictions on the use of room confinement of minors or wards who are confined in a juvenile facility, as specified. The bill would require the placement of a minor or ward in room confinement to be conducted in accordance with specified guidelines. By increasing the duties of local entities in connection with local juvenile facilities, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.