

AMENDED IN SENATE JUNE 21, 2011

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 826**

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**Introduced by Assembly Member Atkins**

*(Coauthors: Assembly Members Ammiano, Fong, and Yamada)*

February 17, 2011

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~~An act to amend Section 50408 of the Health and Safety Code, relating to housing. An act to add Article 5 (commencing with Section 2985) to Chapter 7 of Title 1 of Part 3 of the Penal Code, relating to parolees.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 826, as amended, Atkins. ~~Department of Housing and Community Development: annual report. Parolees: mentally ill: services.~~

*Existing law requires that certain mentally disordered prisoners, as a condition of parole, be treated by the State Department of Mental Health, as provided. Existing law authorizes the Department of Corrections and Rehabilitation to obtain day treatment, and to contract for crisis care services, for parolees with mental health problems.*

*This bill would authorize the Department of Corrections and Rehabilitation to create an Integrated Services for Mentally Ill Parolees program, a comprehensive model that provides varied levels of care, supportive and transitional housing, and an array of mental health rehabilitative services that assist with the development of independent living in the least restrictive environment possible and report to the Legislature, as provided. The bill would require that specified services*

*be provided to qualified mentally ill parolees by department selected providers, as provided.*

*The bill would require each services provider to report to the department on the outcomes of services and requires the department to file an annual report with the chairpersons of specified legislative committees.*

*The bill would provide that its provisions shall only be operative when the Legislature appropriates moneys in the Budget Act for each fiscal year.*

~~Existing law requires the Department of Housing and Community Development, on or before December 31 of each year, to submit an annual report to the Governor and both houses of the Legislature containing specified information relating to the operations and accomplishments of the housing programs administered by the department.~~

~~This bill would additionally require the department to include in its annual report specified cumulative totals for each program funded under the Housing and Emergency Shelter Trust Fund Acts of 2002 and 2006.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. The Legislature finds and declares all of the*  
2     *following:*

3     *(a) Almost 20,000 Californians with mental illness are currently*  
4     *on parole. An average of 3,500 of these parolees are homeless.*  
5     *Department of Corrections and Rehabilitation data indicates*  
6     *one-third to one-half of all parolees living in major cities, like San*  
7     *Francisco and Los Angeles, are homeless.*

8     *(b) Each year, over 6,000 parolees suffering from serious mental*  
9     *illness return to prison, often due to technical violations of parole*  
10    *conditions or criminal behavior resulting from mental illness.*

11    *(c) Many of these parolees are homeless. Homeless parolees*  
12    *have difficulties taking medications regularly, accessing*  
13    *appropriate health and behavioral health treatment, eating a*  
14    *healthy diet, sleeping regularly, and maintaining sobriety. As a*  
15    *result of these factors, homeless parolees are seven times more*  
16    *likely to recidivate than parolees who are housed.*

1 (d) The success of efforts to stabilize a parolee's health and  
2 reduce recidivism rates is predicated on the parolee's housing  
3 stability.

4 (e) Parolees often lack identification when released, causing  
5 difficulties for these parolees to access housing, work, and other  
6 income sources.

7 (f) Supportive housing and housing affordable to the tenant that  
8 links tenants to health, single point of contact case management,  
9 behavioral health, transportation, and other services create  
10 long-term savings, enhance public safety, and increase a  
11 neighborhood's property values. Most importantly, data show  
12 supportive housing reduces recidivism among parolees.

13 (g) The Mental Health Services Act, Proposition 63, as approved  
14 at the November 2, 2004, statewide general election, like its  
15 predecessor, Assembly Bill 2034 of the 1999-2000 Regular Session  
16 of the Legislature, provides a full array of services, including  
17 supportive housing, to nonparolees with serious mental illness  
18 and, in so doing, has reduced risk of arrest by 56 percent among  
19 participants. Parolees are not eligible for Proposition 63 services.

20 (h) Due to the exclusion of parolees from Proposition 63  
21 services, budget measures over the last four years have included  
22 funding for the Integrated Services for Mentally Ill Parolees  
23 (ISMIP) program at the Department of Corrections and  
24 Rehabilitation. The ISMIP program offers opportunities to provide  
25 comprehensive mental health and supportive services, including  
26 housing, to parolees with mental illness at risk of homelessness  
27 upon release, to reintegrate offenders at risk of homelessness into  
28 the community, to increase public safety, and to reduce state costs  
29 of recidivism. These services should be comparable to services  
30 available pursuant to Section 5806 of the Welfare and Institutions  
31 Code.

32 SEC. 2. Article 5 (commencing with Section 2985) is added to  
33 Chapter 7 of Title 1 of Part 3 of the Penal Code, to read:

34

35 Article 5. Integrated Services for Mentally Ill Parolees

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37 2985. (a) Pursuant to the provisions of Section 3073, the  
38 Department of Corrections and Rehabilitation is authorized to  
39 create an Integrated Services for Mentally Ill Parolees (ISMIP)  
40 program.

1 (b) The “Integrated Services for Mentally Ill Parolees” or  
2 “ISMIP” program is a comprehensive model that provides varied  
3 levels of care, supportive and transitional housing, and an array  
4 of mental health rehabilitative services that assist with the  
5 development of independent living in the least restrictive  
6 environment possible.

7 (c) (1) An inmate is eligible for ISMIP participation and shall  
8 qualify for the program if all of the following are applicable:

9 (A) He or she participates in the Enhanced Outpatient Program,  
10 the Correctional Clinical Case Management System, or receives  
11 a higher level of mental health care while in prison.

12 (B) The inmate voluntarily chooses to participate in the ISMIP  
13 program.

14 (C) He or she is assigned a date of release within 60 to 180  
15 days.

16 (2) The department shall prioritize for participation in ISMIP  
17 inmates designated as eligible for the Enhanced Outpatient  
18 Program and who are likely to become homeless upon release, as  
19 defined in paragraph (3). Afterwards, the department shall give  
20 priority to inmates participating in the Correctional Clinical Case  
21 Management System and who are likely to become homeless upon  
22 release, as defined in paragraph (3). Once participants likely to  
23 become homeless are served, the department shall prioritize, for  
24 ISMIP participation, all other Enhanced Outpatient Program then  
25 Correctional Clinical Case Management System participants.

26 (3) Parolees who are “likely to become homeless upon release”  
27 are individuals who have a history of homelessness and who satisfy  
28 either of the following:

29 (A) Lacking an identified fixed, regular, and adequate nighttime  
30 residence for release.

31 (B) His or her only identified nighttime residence for release  
32 includes a supervised publicly or privately operated shelter  
33 designed to provide temporary living accommodations, or a public  
34 or private place not designed for, or is not ordinarily used as, a  
35 regular sleeping accommodation for human beings.

36 (d) To implement this article, the department shall contract with  
37 ISMIP service providers that have at least five years of experience  
38 providing integrated services to homeless people with mental  
39 illness. Selected providers shall offer whatever services participants  
40 require to obtain and maintain health and housing stability, as

1 *detailed in Section 5806 of the Welfare and Institutions Code,*  
2 *while participants are on parole, including, but not limited to, all*  
3 *of the following:*

4 (1) *Case management services.*

5 (2) *Coordination of mental health, medical, and substance abuse*  
6 *services.*

7 (3) *Parole discharge planning.*

8 (4) *Housing location services.*

9 (5) *Rental subsidies.*

10 (6) *Linkage to other services, as needed.*

11 (e) *At least 60 days prior to the release of an ISMIP participant,*  
12 *a department-selected ISMIP service provider shall do, or*  
13 *coordinate with a subcontractor to do, all of the following:*

14 (1) *Draft a discharge plan with the participant that includes*  
15 *transition into housing that serves the participant's needs and is*  
16 *affordable, such as permanent supportive housing or a transitional*  
17 *housing program that includes support services and demonstrates*  
18 *a clear transition pathway to permanent housing.*

19 (2) *Engage the participant to actively participate in services*  
20 *upon release, including connecting the participant with the*  
21 *participant's parole case manager.*

22 (3) *Assist the participant in obtaining identification, if necessary.*

23 (4) *Assist the participant in applying for any benefits for which*  
24 *the participant is eligible.*

25 (f) (1) *To facilitate the transition of ISMIP participants into*  
26 *permanent supportive housing, ISMIP service providers shall*  
27 *prioritize housing opportunities that are supported by the Mental*  
28 *Health Services Act, the Mental Health Services Act Housing*  
29 *Program, or other funding sources that finance permanent*  
30 *supportive housing for persons with mental illness.*

31 (2) *ISMIP service providers shall also identify housing*  
32 *opportunities that satisfy both of the following:*

33 (A) *Are located in apartments, single-room occupancy buildings,*  
34 *townhouses, or single-family homes or provided through*  
35 *rent-subsidized apartments leased in the open market or set aside*  
36 *within privately-owned buildings.*

37 (B) *Are not subject to community care licensing requirements*  
38 *or are exempt from licensing under Section 1504.5 of the Health*  
39 *and Safety Code.*

1 (g) (1) ISMIP service providers shall report to the department  
2 on the outcomes of services provided to ISMIP participants within  
3 12, 24, and 36 months of contract implementation. Reported  
4 outcomes shall include, but not be limited to, all of the following:

5 (A) The number of participants served.

6 (B) The types of services provided to program participants.

7 (C) The outcomes of participants, including the number of  
8 participants who remain stably housed in permanent supportive  
9 housing, the number of participants who ceased to participate in  
10 the program and the reasons, and the number of participants who  
11 have been arrested and dates of arrest.

12 (D) The number of participants who successfully transitioned  
13 to county mental health programs.

14 (E) The recidivism rate of program participants compared to  
15 the recidivism rate for Enhanced Outpatient Program and  
16 Correctional Clinical Case Management System parolees living  
17 in the same county who did not participate in ISMIP.

18 (2) Notwithstanding Section 10231.5 of the Government Code,  
19 the department shall report annually by February 1, 2013, and  
20 every February 1 thereafter, to the chairpersons of the Joint  
21 Legislative Budget Committee, the Assembly Committee on Budget,  
22 the Senate Committee on Budget and Fiscal Review, the Assembly  
23 Committee on Public Safety, Senate Committee on Public Safety,  
24 the Assembly Committee on Housing and Community Development,  
25 and the Senate Committee on Transportation and Housing all of  
26 the following information:

27 (A) The number of individuals who participated in the ISMIP  
28 program during the previous fiscal year.

29 (B) The number of participants who remain housed.

30 (C) The number of participants who returned to prison or jail.

31 SEC. 3. (a) The provisions of this act shall only be operative  
32 when the Legislature appropriates moneys for Integrated Services  
33 for Mentally Ill Parolees (ISMIP) in the Budget Act for each fiscal  
34 year.

35 (b) All activities identified in this act as the responsibility of  
36 ISMIP service provider contractors shall be deemed appropriate  
37 expenditures of ISMIP funds.

38 SECTION 1. ~~Section 50408 of the Health and Safety Code is~~  
39 ~~amended to read:~~

- 1     ~~50408. (a) On or before December 31 of each year, the~~  
2 ~~department shall submit an annual report to the Governor and both~~  
3 ~~houses of the Legislature on the operations and accomplishments~~  
4 ~~during the previous fiscal year of the housing and infrastructure~~  
5 ~~programs administered by the department, including, but not~~  
6 ~~limited to, the Emergency Housing and Assistance Program and~~  
7 ~~Community Development Block Grant activity.~~  
8     ~~(b) The report shall include all of the following information:~~  
9     ~~(1) The number of units assisted by those programs.~~  
10    ~~(2) The number of individuals and households served and their~~  
11 ~~income levels.~~  
12    ~~(3) The distribution of units among various areas of the state.~~  
13    ~~(4) The amount of other public and private funds leveraged by~~  
14 ~~the assistance provided by those programs.~~  
15    ~~(5) Information detailing the assistance provided to various~~  
16 ~~groups of persons by programs that are targeted to assist those~~  
17 ~~groups.~~  
18    ~~(6) The information required to be reported pursuant to Section~~  
19 ~~17031.8.~~  
20    ~~(7) The cumulative total for each item of information required~~  
21 ~~under paragraphs (1) to (6), inclusive, for each program funded~~  
22 ~~under the Housing and Emergency Shelter Trust Fund Act of 2002.~~  
23    ~~(8) The cumulative total for each item of information required~~  
24 ~~under paragraphs (1) to (6), inclusive, for each program funded~~  
25 ~~under the Housing and Emergency Shelter Trust Fund Act of 2006.~~