

ASSEMBLY BILL

No. 2370

Introduced by Assembly Member Mansoor

February 24, 2012

An act to amend Section 4502 of the Business and Professions Code, to amend Sections 8769, 16191, 16195, 16196, 16200, 41306, 41401, and 51765 of the Education Code, to amend Sections 854.2, 6514, 12428, 14670.1, 14670.2, 14670.3, 14670.5, 14672.1, 14672.92, 16813, 16814, and 16816 of the Government Code, to amend Sections 1275.5, 13113, 123935, 127260, and 129395 of the Health and Safety Code, to amend Sections 1370.1 and 1376 of the Penal Code, to amend Section 1420 of the Probate Code, to amend Section 25276 of the Vehicle Code, and to amend Sections 4426, 4801, 5002, 5008, 5325, 6250, 6500, 6502, 6504, 6504.5, 6505, 6506, 6507, 6508, 6509, 6511, 6512, 6513, 6551, 6715, 6717, 6718, 6740, 6741, 7275, and 7351 of, and to amend the heading of Article 2 (commencing with Section 6500) of Chapter 2 of, and to amend the heading of Article 4 (commencing with Section 6715) of Chapter 3 of, Part 2 of Division 6 of, the Welfare and Institutions Code, relating to intellectual disabilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2370, as introduced, Mansoor. Mental retardation: change of term to intellectual disabilities.

Existing federal Medicaid provisions require a state to describe its Medicaid program in its state plan, which is required by federal law to provide for, among other things, a public process for determination of rates of payment under the plan for hospital services, nursing facility services, and services of intermediate care facilities for the mentally retarded.

Under existing law, various state statutes refer to mentally retarded persons in provisions relating to, among other things, services, commitment to state facilities, and criminal punishment.

This bill would revise various statutes to, instead, refer to a person with an intellectual disability. The bill would also state the intent of the Legislature not to make a change to services or the eligibility for services.

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

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

1 SECTION 1. Section 4502 of the Business and Professions
2 Code is amended to read:

3 4502. As used in this chapter, “psychiatric technician” means
4 any person who, for compensation or personal profit, implements
5 procedures and techniques which involve understanding of cause
6 and effect and which are used in the care, treatment, and
7 rehabilitation of mentally ill, emotionally disturbed, or ~~mentally~~
8 ~~retarded~~ *intellectually disabled* persons and who has one or more
9 of the following:

10 (a) Direct responsibility for administering or implementing
11 specific therapeutic procedures, techniques, treatments, or
12 medications with the aim of enabling recipients or patients to make
13 optimal use of their therapeutic regime, their social and personal
14 resources, and their residential care.

15 (b) Direct responsibility for the application of interpersonal and
16 technical skills in the observation and recognition of symptoms
17 and reactions of recipients or patients, for the accurate recording
18 of such symptoms and reactions, and for the carrying out of
19 treatments and medications as prescribed by a licensed physician
20 and surgeon or a psychiatrist.

21 The psychiatric technician in the performance of such procedures
22 and techniques is responsible to the director of the service in which
23 his *or her* duties are performed. The director may be a licensed
24 physician and surgeon, psychiatrist, psychologist, rehabilitation
25 therapist, social worker, registered nurse, or other professional
26 personnel.

27 Nothing herein shall authorize a licensed psychiatric technician
28 to practice medicine or surgery or to undertake the prevention,

1 treatment or cure of disease, pain, injury, deformity, or mental or
2 physical condition in violation of the law.

3 SEC. 2. Section 8769 of the Education Code is amended to
4 read:

5 8769. The county superintendent of schools may, with the
6 approval of the county board of education, lease any real or
7 personal property for the purpose of care, teaching, and training
8 of physically handicapped or ~~mentally retarded~~ *intellectually*
9 *disabled* children at such time as the property is not required for
10 outdoor science education and conservation education, upon such
11 terms and conditions as are agreed upon.

12 SEC. 3. Section 16191 of the Education Code is amended to
13 read:

14 16191. As used in this article, “exceptional children” means
15 physically handicapped pupils, ~~mentally retarded pupils~~ *pupils*
16 *with intellectual disabilities*, educationally handicapped pupils,
17 multihandicapped pupils, or pupils enrolled in development centers
18 for the handicapped required or allowed to be educated pursuant
19 to Part 30 (commencing with Section 56000).

20 SEC. 4. Section 16195 of the Education Code is amended to
21 read:

22 16195. Allocations under this article may be made in the
23 amount as may be necessary, and in the manner as to distribute
24 the available funds equitably among school districts, giving
25 consideration to the needs of each district and the number of
26 children within each district who are blind, partially seeing,
27 aphasic, deaf, hard of hearing, ~~mentally retarded~~ *intellectually*
28 *disabled*, or orthopedic, or who are health impaired,
29 multihandicapped, speech handicapped, educationally handicapped,
30 or enrolled in development centers for the handicapped.

31 In computing the number of those children, there shall be
32 included all of the following:

33 (a) The number of them residing in the district.

34 (b) The number of handicapped minors who are actually living
35 within the district five or more days a week, although their legal
36 residence may be outside the district and who are educated pursuant
37 to *former* Section 56708, as enacted by Section 2 of Chapter 1010
38 of the Statutes of 1976.

39 (c) The number of them who reside outside of the district, except
40 those described in subdivision (b), and who are to be educated by

1 the district, excluding ~~mentally retarded~~ minors *with intellectual*
2 *disabilities* within Section 56501, as amended by Section 58 of
3 Chapter 1247 of the Statutes of 1977, who reside within a district
4 having an average daily attendance of 900 or more and which does
5 not meet the requirements of Section 16058 concerning outstanding
6 bonded indebtedness.

7 Allocations for housing and equipment for minors having speech
8 defects or disorders shall be allowed in new schools constructed
9 after July 1, 1968, and in existing schools constructed between
10 July 1, 1933, and July 1, 1968. The housing and equipment shall
11 be designed and provided to permit their utilization for remedial
12 and other special services including speech therapy, speech reading
13 (lipreading), and auditory training for the speech and hearing
14 handicapped, screening and testing for speech and hearing defects,
15 or both, psychological testing of exceptional children, subject
16 matter tutoring of exceptional children, and other specialized
17 activities required by these children. In addition to the maximum
18 building area allowances provided in Sections 16047, 16052,
19 16053, and 16054, not more than an additional 200 square feet of
20 building area shall be allowed for each new school so planned and
21 constructed.

22 Each existing school, constructed between July 1, 1933, and July
23 1, 1968, shall be allowed not more than an additional 200 square
24 feet of building area only for construction thereon of a new speech
25 facility. At the option of the applicant district, the board may
26 allocate funds to convert existing facilities or to provide a
27 combination of new construction and conversion of existing
28 facilities to provide housing for minors having speech defects or
29 disorders, provided the cost of the conversion or combination of
30 new construction and conversion does not exceed the computed
31 cost for 200 square feet of new classroom construction based upon
32 cost standards adopted by the board. At the further option of the
33 applicant district, and in lieu of new building construction or
34 conversion, the board may allocate funds for the acquisition of
35 mobile speech therapy facilities, provided the cost of the mobile
36 facilities does not exceed the combined computed cost for 200
37 square feet of new classroom construction, based upon cost
38 standards adopted by the board, at all schools which will be served
39 by the mobile facility.

1 SEC. 5. Section 16196 of the Education Code is amended to
2 read:

3 16196. Notwithstanding any provisions of this article to the
4 contrary, apportionments for the construction of facilities and the
5 purchase of essential furniture and equipment for the education of
6 exceptional children may, subject to the approval of the State
7 Department of Education, be made to any school districts not
8 otherwise eligible to receive apportionments under Article 1
9 (commencing with Section 16000) and Article 2 (commencing
10 with Section 16150) of this chapter, for the education of blind,
11 partially seeing, aphasic, deaf, hard-of-hearing, ~~mentally retarded~~
12 *intellectually disabled*, orthopedic or other health-impaired,
13 multihandicapped, and educationally handicapped minors, pupils
14 having speech defects or disorders, or pupils enrolled in
15 development centers for the handicapped.

16 The State Department of Education may approve applications
17 in those situations where the facilities will be used by a county
18 superintendent of schools required to educate physically
19 handicapped minors pursuant to *former* Section 1850, as enacted
20 by Section 2 of Chapter 1010 of the Statutes of 1976, and ~~mentally~~
21 ~~retarded minors~~ *minors with intellectual disabilities* pursuant to
22 *former* Section 1880, as enacted by Section 2 of Chapter 1010 of
23 the Statutes of 1976. A school district may educate these minors
24 by agreement with a county superintendent of schools required to
25 educate these minors. Priority in the use of the facilities shall be
26 given to pupils from districts other than the applicant district.

27 Except as otherwise provided in this section, not more than 50
28 percent of the amount of any apportionment made pursuant to this
29 section shall be repaid. Repayments shall be made in the following
30 manner: Fifty percent of the amount of the apportionment shall be
31 repaid in full with interest by the district, in the annual amounts
32 and at the interest rate over the period as the State Allocation Board
33 may determine, not to exceed 20 years from the date the
34 apportionment became final. In any school year in which 50 percent
35 or more of the pupils in average daily attendance, as determined
36 by the county superintendent of schools, and served by the facilities
37 are not pupils from districts other than the applicant district, the
38 repayment for the succeeding fiscal year shall be an amount which
39 would have been payable if the district had been required to repay
40 100 percent of the apportionment over that period.

1 The county board of supervisors of the county whose
2 superintendent of schools conducts classes in the facility during
3 any fiscal year shall at that time or times within the fiscal year that
4 may be agreed upon between the county and the school district,
5 but in any case not later than the end of the fiscal year, pay to the
6 school district having the obligation to repay the apportionment
7 made under this section for the construction of the facility, an
8 amount equal to 80 percent of the amount the district is required
9 to repay in the fiscal year with respect to the apportionment
10 described above.

11 The county board of supervisors shall raise the amount required
12 through a general tax levy on the property within the participating
13 districts, or through a tuition charge not to exceed one hundred
14 sixty dollars (\$160) a year per pupil by the county superintendent
15 of schools to the school districts of residence of pupils attending
16 the facility other than the district having the obligation to repay,
17 or through a combination of these.

18 The county superintendent of schools shall notify the county
19 board of supervisors of his or her intention to approve a school
20 district's application for an allocation under this article before he
21 or she approves the application.

22 SEC. 6. Section 16200 of the Education Code is amended to
23 read:

24 16200. Notwithstanding any provisions of this article to the
25 contrary, the board may make apportionments to school districts
26 not otherwise eligible to receive apportionments under Article 1
27 (commencing with Section 16000) and Article 2 (commencing
28 with Section 16150) for the construction of special education
29 facilities and the purchase of essential furniture and equipment for
30 the purpose of either or both (1) educating those physically
31 handicapped, ~~mentally retarded~~ *intellectually disabled*, and
32 educationally handicapped pupils who regularly reside in an
33 established, licensed children's institution or family home and are
34 being educated pursuant to *former* Section 42902, as amended by
35 Section 1 of Chapter 1173 of the Statutes of 1977, and (2)
36 educating handicapped pupils in development centers for
37 handicapped pupils pursuant to *former* Article 1 (commencing
38 with Section 56800) of Chapter 6 of Part 30, as enacted by Section
39 2 of Chapter 1010 of the Statutes of 1976.

1 Only 50 percent of any amounts allocated and disbursed to a
2 district under this section shall be repaid by the district. Each
3 disbursement shall be repaid in 20 equal annual installments,
4 including interest as determined by the board, and shall be
5 computed and withheld by the Controller. The first computation
6 of repayment of any disbursement shall be made in the fiscal year
7 following the disbursement and shall during the next fiscal year
8 be deducted in equal amounts from the February, March, April,
9 and May installments of the apportionment made to the district
10 from the State School Fund under Sections 41330 to 41343,
11 inclusive, and Sections 41600 to 41972, inclusive.

12 SEC. 7. Section 41306 of the Education Code is amended to
13 read:

14 41306. The Superintendent of Public Instruction shall also
15 allow as otherwise provided in Section 41304 for the driver training
16 instruction necessary to be safely tested for a driver's license at
17 the Department of Motor Vehicles, those physically handicapped
18 pupils, ~~mentally retarded pupils~~ *pupils with intellectual disabilities*
19 who come within the provisions of former Section 56501 as
20 amended by Chapter 1247 of the Statutes of 1977, and
21 educationally handicapped pupils who are in attendance in a public
22 secondary school in California that offers qualified instruction,
23 and who may qualify for a driver's license, or other license, issued
24 by the ~~California~~ Department of Motor Vehicles, a total allowance
25 not to exceed two hundred ninety dollars (\$290) including the
26 reimbursement provisions set forth in Section 41900 to each school
27 district and county superintendent of schools. All driver training
28 for pupils herein described shall be provided by qualified teachers,
29 as defined by Sections 41906 and 41907. The provisions of this
30 section may not be applied if reimbursement allowable under
31 Sections 41900 to 41912, inclusive, is sufficient to meet the total
32 cost of instruction as herein described.

33 It is the intent of the Legislature that driver training instruction
34 be provided pupils as a part of the high school curriculum, and the
35 Legislature finds and declares that exceptional children are entitled
36 to the benefit of that instruction so far as their individual
37 capabilities permit, understanding that those pupils herein described
38 often require individualized and amplified driver training
39 instruction in order to succeed in becoming safe operators of motor
40 vehicles. Since without a means of self-transportation much of the

1 overall program of education and rehabilitation provided for by
2 the Legislature would be of little avail to the person without the
3 mobility required to become a productive and well-adjusted
4 member of society, the Legislature further declares that it is
5 incumbent upon the state to share in the cost of providing a most
6 needed and desirable program of driver training instruction for
7 these exceptional children.

8 SEC. 8. Section 41401 of the Education Code is amended to
9 read:

10 41401. For the purposes of this article:

11 (a) “Administrative employee” means an employee of a school
12 district, employed in a position requiring certification
13 qualifications, who does not come within the definition set forth
14 in subdivision (c) or (d).

15 (b) “Classified employee” means an employee of a school
16 district, employed in a position not requiring certification
17 qualifications.

18 (c) “Pupil services employee” means an employee of a school
19 district, employed in a position requiring a standard designated
20 services credential, health and development credential, or a
21 librarian credential, who performs direct services to pupils. “Pupil
22 services employee” includes, but is not limited to, in-school
23 librarians, school nurses, assistant in-school librarians, audiovisual
24 personnel, counselors, psychologists, psychometrists, guidance
25 and welfare personnel, attendance personnel, school social workers,
26 and all other certificated personnel performing pupil-personnel,
27 health, or librarian services.

28 (d) “Teacher” means an employee of a school district, employed
29 in a position requiring certification qualifications, whose duties
30 require him or her to provide direct instruction to pupils in the
31 schools of that district for the full time for which he or she is
32 employed. “Teacher” includes, but is not limited to, teachers of
33 special classes, teachers of exceptional children, teachers of pupils
34 with physical disabilities, teachers of ~~mentally retarded~~ minors
35 *with intellectual disabilities*, substitute teachers, instructional
36 television teachers, specialist mathematics teachers, specialist
37 reading teachers, home and hospital teachers, and learning
38 disability group teachers. Instructional preparation time shall be
39 counted as part of the teacher full-time equivalent, including, but
40 not limited to, mentor teacher or department chairperson time.

1 SEC. 9. Section 51765 of the Education Code is amended to
2 read:

3 51765. The governing board of any school district ~~which that~~
4 establishes and supervises a work experience education program
5 in which ~~mentally retarded~~ pupils *with intellectual disabilities* are
6 employed in part-time jobs may use funds derived from any source,
7 to the extent permissible by appropriate law or regulation, to pay
8 the wages of pupils so employed.

9 The Legislature hereby finds and declares that the authority
10 granted by the provisions of this section is necessary to ensure that
11 the work experience education program will continue to provide
12 maximum educational benefit to students, particularly ~~mentally~~
13 ~~retarded~~ pupils *pupils with intellectual disabilities*, and that ~~such~~
14 *the* program is deemed to serve a public purpose.

15 SEC. 10. Section 854.2 of the Government Code is amended
16 to read:

17 854.2. As used in this chapter, “mental institution” means any
18 state hospital for the care and treatment of the mentally disordered
19 ~~or the mentally retarded~~ *persons with intellectual disabilities*, the
20 California Rehabilitation Center referred to in Section 3300 of the
21 Welfare and Institutions Code, or any county psychiatric hospital.

22 SEC. 11. Section 6514 of the Government Code is amended
23 to read:

24 6514. ~~Any~~ A state department or agency concerned with the
25 provisions of services or facilities to ~~mentally retarded~~ persons
26 *with intellectual disabilities* and their families may enter into
27 agreements under this chapter.

28 SEC. 12. Section 12428 of the Government Code is amended
29 to read:

30 12428. In the event either the Governor or the Legislature
31 should obtain federal approval to transfer programs receiving
32 federal support for ~~the mentally retarded~~ *people who are*
33 *intellectually disabled* or mentally disordered from one state
34 department to another state department under the provisions of
35 Public Law 90-577 (Intergovernmental Cooperation Act of 1968),
36 the State Controller shall, upon approval of the Director of Finance,
37 transfer to a state department designated by the Governor ~~such the~~
38 parts of the appropriation of the other state departments that are
39 related to ~~mentally retarded or mentally disordered~~ programs *for*
40 *people who have intellectual disabilities or are mentally*

1 *disordered*, provided further, that ~~such~~ *the* transfer shall enable
2 the state to make maximum utilization of available state and federal
3 funds.

4 SEC. 13. Section 14670.1 of the Government Code is amended
5 to read:

6 14670.1. Notwithstanding Section 14670, the Director of
7 General Services, with the consent of the State Department of
8 Mental Health, may let to a nonprofit corporation, for the purpose
9 of conducting an educational and work program for ~~mentally~~
10 ~~retarded~~ persons *with intellectual disabilities*, and for a period not
11 to exceed 50 years, real property not exceeding 10 acres located
12 within the grounds of the Napa State Hospital.

13 The lease authorized by this section shall be nonassignable and
14 shall be subject to periodic review every five years. ~~Such~~ *The*
15 review shall be made by the Director of General Services, who
16 shall do both of the following:

17 (a) Assure the state that the original purposes of the lease are
18 being carried out.

19 (b) Determine what, if any, adjustment should be made in the
20 terms of the lease.

21 The lease shall also provide for an initial capital outlay by the
22 lessee of thirty thousand dollars (\$30,000) prior to January 1, 1976.
23 ~~Such~~ *The* capital outlay may be, or may have been, contributed
24 before or after the effective date of the act adding this section.

25 SEC. 14. Section 14670.2 of the Government Code, as amended
26 by Section 1 of Chapter 65 of the Statutes of 1992, is amended to
27 read:

28 14670.2. Notwithstanding Section 14670, the Director of
29 General Services, with the consent of the State Department of
30 Mental Health, may, in the best interests of the state, let to a public
31 governmental agency, for the purpose of locating and conducting
32 its ~~trainable-mentally-retarded~~ *training program for people with*
33 *intellectual disabilities*, and for locating and conducting a
34 child-care facility, and for a period not to exceed 50 years, real
35 property not exceeding 10 acres located within the grounds of the
36 Napa State Hospital. For the additional purpose of establishing an
37 educational park, the director may, with the consent of the
38 department, renegotiate the lease, for a period not to exceed 50
39 years, which period shall commence January 1, 1993. For the
40 purposes of this section, “educational park” means a conglomerate

1 of educational services, including, but not limited to, a children's
2 center, a preschool for severely disabled children, adult educational
3 services, administrative offices, a community school, and a media
4 services building.

5 The lease authorized by this section shall be nonassignable and
6 shall be subject to periodic review every five years. That review
7 shall be made by the Director of General Services, who shall do
8 both of the following:

9 (a) Assure the state the purposes of the lease are being carried
10 out.

11 (b) Determine what, if any, adjustment should be made in the
12 terms of the lease.

13 The lease shall also provide for the establishment of a school
14 building facility by the lessee prior to July 1, 1977. That facility
15 shall not be established until after the effective date of the act
16 amending this section.

17 SEC. 15. Section 14670.3 of the Government Code is amended
18 to read:

19 14670.3. Notwithstanding Section 14670, the Director of
20 General Services, with the consent of the State Department of
21 *Mental Health*, may let to a nonprofit corporation, for the purpose
22 of conducting an educational and work program for ~~mentally~~
23 ~~retarded~~ persons *with intellectual disabilities*, and for a period not
24 to exceed 55 years, real property not exceeding five acres located
25 within the grounds of the Fairview State Hospital.

26 The lease authorized by this section shall be nonassignable and
27 shall be subject to periodic review every five years. ~~Such~~ *The*
28 review shall be made by the Director of General Services, who
29 shall *do both of the following*:

30 (a) Assure the state that the original purposes of the lease are
31 being carried ~~out~~; *out*.

32 (b) Determine what, if any, adjustment should be made in the
33 terms of the lease.

34 The lease shall also provide for an initial capital outlay by the
35 lessee of thirty thousand dollars (\$30,000) prior to January 1, 1976.
36 Such capital outlay may be, or may have been, contributed before
37 or after the effective date of the act adding this section.

38 SEC. 16. Section 14670.5 of the Government Code is amended
39 to read:

1 14670.5. Notwithstanding Section 14670, the Director of
 2 General Services, with the consent of the *State* Department of
 3 Mental Hygiene *Health* may let to a nonprofit corporation, for the
 4 purpose of establishing and maintaining a rehabilitation center for
 5 ~~mentally retarded minor and adult~~ persons *with intellectual*
 6 *disabilities*, for a period not exceeding 20 years, real property, not
 7 exceeding five acres, located within the grounds of the Fairview
 8 State Hospital in Orange County, and which is retained by the state
 9 primarily to provide a peripheral buffer area, or zone, between real
 10 property upon which is located the state hospital and adjacent real
 11 property, where the director deems ~~such~~ *the* letting is in the best
 12 interests of the state.

13 SEC. 17. Section 14672.1 of the Government Code is amended
 14 to read:

15 14672.1. Notwithstanding Section 14670, the Director of
 16 General Services, with the consent of the Department of
 17 Corrections *and Rehabilitation*, may let to a nonprofit corporation,
 18 for the purpose of conducting an educational and work program
 19 ~~for mentally retarded~~ persons *with intellectual disabilities*, and for
 20 a period not to exceed 50 years, real property not exceeding 10
 21 acres, located within the grounds of the Medical Facility at
 22 Vacaville, California.

23 Any lease executed pursuant to this section shall include a
 24 provision that ~~such~~ *the* lease shall be canceled if permanent
 25 facilities are not constructed on the leased land within five years
 26 after the effective date of the amendments to this section enacted
 27 at the 1967 Regular Session of the Legislature.

28 Any lease executed pursuant to this section may be assigned or
 29 sublet in whole or in part by the lessee nonprofit corporation to
 30 any public agency with the approval of the Director of General
 31 Services and the Department of Corrections *and Rehabilitation*.

32 SEC. 18. Section 14672.92 of the Government Code is amended
 33 to read:

34 14672.92. Notwithstanding Section 14670, the Director of
 35 General Services, with the consent of the State Department of
 36 ~~Health Services~~ *Developmental Services*, may let to a nonprofit
 37 corporation, for the purpose of conducting an educational and work
 38 program ~~for mentally retarded~~ persons *with intellectual disabilities*,
 39 and for a period not to exceed 50 years, real property not exceeding

1 18.50 acres located within the grounds of the Camarillo State
2 Hospital at 1732 Lewis Road in the City of Camarillo.

3 The lease authorized by this section shall be nonassignable and
4 shall be subject to periodic review every five years. ~~Such~~ The
5 review shall be made by the Director of General Services and the
6 Director of ~~Health~~ *Health Developmental* Services who shall do all of the
7 following:

8 (a) Assure the state the original purposes of the lease are being
9 carried out.

10 (b) Determine what, if any, adjustment should be made in the
11 terms of the lease.

12 SEC. 19. Section 16813 of the Government Code is amended
13 to read:

14 16813. Bonds of the State of California shall be prepared,
15 issued, and sold in the amount of one hundred million dollars
16 (\$100,000,000), in such denominations, to be numbered, to bear
17 such dates, and to bear such rate of interest as shall be determined
18 by the Legislature.

19 The proceeds of such bonds shall be used:

20 (a) Subject to such legislation as the Legislature may, from time
21 to time, enact, to provide loans and grants to school districts of the
22 state for use in purchasing and improving school sites, the
23 purchasing of furniture and equipment for schools, and the planning
24 and constructing, reconstructing, repairing, altering, and making
25 additions to, school buildings.

26 (b) Subject to such legislation as the Legislature may, from time
27 to time, enact, to provide loans and grants to school districts for
28 assistance in providing necessary housing and equipment for the
29 education of ~~physically handicapped minors and mentally retarded~~
30 ~~minors as those terms are~~ *individuals who have exceptional needs,*
31 *as that term is defined in Chapters 9 and 11 of Division 4 Section*
32 *56026 of the Education Code.*

33 (c) To pay the expenses that may be incurred in preparing,
34 advertising, issuing, and selling the bonds, and in administering
35 and directing the expenditure of the moneys realized from the sale
36 of such bonds.

37 The issuance, signing, countersigning, endorsing, and selling of
38 the bonds herein provided for, and the interest coupons thereon,
39 the place and method of payment of principal and interest thereon,
40 the procedure for initiating, advertising and holding sales thereof,

1 and the performance by the several state boards and state officers
2 of their respective duties in connection therewith; and all other
3 provisions, terms, and conditions relating to the bonds, shall be as
4 provided by the Legislature.

5 The Legislature may appropriate money to be expended in
6 addition to or in lieu of the money received from the sale of the
7 bonds sold under the authority of this section. The money so
8 appropriated shall be expended pursuant to subdivision (a) of this
9 section. If the Legislature appropriates money in lieu of the money
10 received from the sale of the bonds, the total amount of bonds
11 required to be sold pursuant to this section shall be reduced by the
12 amount so appropriated.

13 The Legislature shall pass all laws, general or special, necessary
14 or convenient to carry into effect the provisions of this section.
15 Such laws may provide for the allocation of funds to school
16 districts pursuant to this section by the State ~~Allocations~~ *Allocation*
17 Board or a similar agency and in that event, notwithstanding any
18 other provision of this Constitution, Members of the Legislature
19 who are required to meet with such board shall have equal rights
20 and duties with the nonlegislative members to vote and act upon
21 matters pending before such board.

22 The Legislature shall require each district receiving an allocation
23 of money from the sale of bonds pursuant to this section for the
24 purposes prescribed in subdivision (a) of this section to repay such
25 money to the state on such terms and in such amounts as may be
26 within the ability of the district to repay.

27 The Legislature may require each district receiving an allocation
28 of money from the sale of bonds pursuant to this section for the
29 purposes prescribed in subdivision (b) of this section to repay such
30 money to the state on such terms and in such amounts as the
31 Legislature deems proper.

32 The people of the State of California in adopting this section
33 hereby declare that it is in the interests of the state and of the people
34 thereof for the state to aid school districts of the state in providing
35 necessary school sites and buildings for the pupils of the public
36 school system, such system being a matter of general concern
37 inasmuch as the education of the children of the state is an
38 obligation and function of the state.

39 SEC. 20. Section 16814 of the Government Code is amended
40 to read:

1 16814. Bonds of the State of California shall be prepared,
2 issued, and sold in the amount of two hundred twenty million
3 dollars (\$220,000,000), in such denominations, to be numbered,
4 to bear such dates, and to bear such rate of interest as shall be
5 determined by the Legislature.

6 The proceeds of such bonds shall be used:

7 (a) Subject to such legislation as the Legislature may, from time
8 to time, enact, to provide loans and grants to school districts of the
9 state for use in purchasing and improving school sites, the
10 purchasing of furniture and equipment for schools, and the planning
11 and constructing, reconstructing, repairing, altering, and making
12 additions to, school buildings.

13 (b) Subject to such legislation as the Legislature may, from time
14 to time, enact, to provide loans and grants to school districts for
15 assistance in providing necessary housing and equipment for the
16 education of ~~physically handicapped minors and mentally retarded~~
17 ~~minors as those terms are~~ *individuals who have exceptional needs,*
18 *as that term is defined in Chapters 9 and 11 of Division 4 Section*
19 *56026 of the Education Code.*

20 (c) To pay the expenses that may be incurred in preparing,
21 advertising, issuing, and selling the bonds, and in administering
22 and directing the expenditure of the moneys realized from the sale
23 of such bonds.

24 (d) To repay, as provided by law, any money appropriated from
25 the Investment Fund at the 1958 First Extraordinary Session for
26 state school building aid.

27 The issuance, signing, countersigning, endorsing, and selling of
28 the bonds herein provided for, and the interest coupons thereon,
29 the place and method of payment of principal and interest thereon,
30 the procedure for initiating, advertising and holding sales thereof,
31 and the performance by the several state boards and state officers
32 of their respective duties in connection therewith; and all other
33 provisions, terms, and conditions relating to the bonds, shall be as
34 provided by the Legislature.

35 The Legislature may appropriate money to be expended in
36 addition to or in lieu of the money received from the sale of the
37 bonds sold under the authority of this section. The money so
38 appropriated shall be expended pursuant to subdivision (a) of this
39 section. If the Legislature appropriates money in lieu of the money
40 received from the sale of the bonds, the total amount of bonds

1 required to be sold pursuant to this section shall be reduced by the
2 amount so appropriated.

3 The Legislature shall pass all laws, general or special, necessary
4 or convenient to carry into effect the provisions of this section.
5 Such laws may provide for the allocation of funds to school
6 districts pursuant to this section by the State ~~Allocations~~ Board or
7 a similar agency and in that event, notwithstanding any other
8 provision of this Constitution, Members of the Legislature who
9 are required to meet with such board shall have equal rights and
10 duties with the nonlegislative members to vote and act upon matters
11 pending before such board.

12 The Legislature shall require each district receiving an allocation
13 of money from the sale of bonds pursuant to this section for the
14 purposes prescribed in subdivision (a) of this section to repay such
15 money to the state on such terms and in such amounts as may be
16 within the ability of the district to repay.

17 The Legislature may require each district receiving an allocation
18 of money from the sale of bonds pursuant to this section for the
19 purposes prescribed in subdivision (b) of this section to repay such
20 money to the state on such terms and in such amounts as the
21 Legislature deems proper.

22 The people of the State of California in adopting this section
23 hereby declare that it is in the interests of the state and of the people
24 thereof for the state to aid school districts of the state in providing
25 necessary school sites and buildings for the pupils of the public
26 school system, such system being a matter of general concern
27 inasmuch as the education of the children of the state is an
28 obligation and function of the state.

29 SEC. 21. Section 16816 of the Government Code is amended
30 to read:

31 16816. Bonds of the State of California shall be prepared,
32 issued, and sold in the amount of three hundred million dollars
33 (\$300,000,000), in such denominations, to be numbered, to bear
34 such dates, and to bear such rate of interest as shall be determined
35 by the Legislature.

36 The proceeds of such bonds shall be used:

37 (a) Subject to such legislation as the Legislature may, from time
38 to time, enact, to provide loans and grants to school districts of the
39 state for use in purchasing and improving school sites, the
40 purchasing of furniture and equipment for schools, and the planning

1 and constructing, reconstructing, repairing, altering, and making
2 additions to, school buildings.

3 (b) Subject to such legislation as the Legislature may, from time
4 to time, enact, to provide loans and grants to school districts for
5 assistance in providing necessary housing and equipment for the
6 education of ~~physically handicapped minors and mentally retarded~~
7 ~~minors as those terms are~~ *individuals who have exceptional needs,*
8 *as that term is defined in Chapters 8 and 9 of Division 6 of Section*
9 *56026* the Education Code.

10 (c) To pay the expenses that may be incurred in preparing,
11 advertising, issuing, and selling the bonds, and in administering
12 and directing the expenditure of the moneys realized from the sale
13 of such bonds.

14 (d) To repay, as provided by law, any money appropriated from
15 the General Fund at the 1960 First Extraordinary Session for state
16 school building aid.

17 The issuance, signing, countersigning, endorsing, and selling of
18 the bonds herein provided for, and the interest coupons thereon,
19 the place and method of payment of principal and interest thereon,
20 the procedure for initiating, advertising and holding sales thereof,
21 and the performance by the several state boards and state officers
22 of their respective duties in connection therewith; and all other
23 provisions, terms, and conditions relating to the bonds, shall be as
24 provided by the Legislature.

25 The Legislature may appropriate money to be expended in
26 addition to or in lieu of the money received from the sale of the
27 bonds sold under the authority of this section. The money so
28 appropriated shall be expended pursuant to subdivision (a) of this
29 section. If the Legislature appropriates money in lieu of the money
30 received from the sale of the bonds, the total amount of bonds
31 required to be sold pursuant to this section shall be reduced by the
32 amount so appropriated.

33 The Legislature shall pass all laws, general or special, necessary
34 or convenient to carry into effect the provisions of this section.
35 Such laws may provide for the allocation of funds to school
36 districts pursuant to this section by the State Allocation Board or
37 a similar agency. Notwithstanding any other provision of this
38 Constitution, Members of the Legislature who are required to meet
39 with such board shall have equal rights and duties with the
40 nonlegislative members to vote and act upon matters pending

1 before such board concerning this section or any other section of
2 the Constitution or legislative act authorizing the allocation of
3 funds to school districts for purposes the same or substantially the
4 same as those enumerated in this section.

5 The Legislature shall require each district receiving an allocation
6 of money from the sale of bonds pursuant to this section for the
7 purposes prescribed in subdivision (a) of this section to repay such
8 money to the state on such terms and in such amounts as may be
9 within the ability of the district to repay.

10 The Legislature may require each district receiving an allocation
11 of money from the sale of bonds pursuant to this section for the
12 purposes prescribed in subdivision (b) of this section to repay such
13 money to the state on such terms and in such amounts as the
14 Legislature deems proper.

15 The people of the State of California in adopting this section
16 hereby declare that it is in the interests of the state and of the people
17 thereof for the state to aid school districts of the state in providing
18 necessary school sites and buildings for the pupils of the public
19 school system, such system being a matter of general concern
20 inasmuch as the education of the children of the state is an
21 obligation and function of the state.

22 SEC. 22. Section 1275.5 of the Health and Safety Code is
23 amended to read:

24 1275.5. (a) The regulations relating to the licensing of
25 hospitals, ~~heretofore previously~~ adopted by the State Department
26 of Public Health pursuant to Chapter 2 (commencing with Section
27 1400) of Division 2, and in effect immediately prior to July 1,
28 1973, shall remain in effect and shall be fully enforceable with
29 respect to any hospital required to be licensed by this chapter,
30 unless and until the regulations are readopted, amended, or repealed
31 by the director.

32 (b) The regulations relating to private institutions receiving or
33 caring for any mentally disordered persons, ~~mentally retarded~~
34 ~~persons~~ *persons with intellectual disabilities*, and other incompetent
35 persons, ~~heretofore previously~~ adopted by the Department of
36 Mental Hygiene pursuant to Chapter 1 (commencing with Section
37 7000) of Division 7 of the Welfare and Institutions Code, and in
38 effect immediately prior to July 1, 1973, shall remain in effect and
39 shall be fully enforceable with respect to any facility,
40 establishment, or institution for the reception and care of mentally

1 disordered persons, ~~mentally-retarded~~ persons *with intellectual*
2 *disabilities*, and other incompetent persons, required to be licensed
3 by the provisions of this chapter unless and until said regulations
4 are readopted, amended, or repealed by the director.

5 (c) All regulations relating to the licensing of psychiatric health
6 facilities ~~heretofore~~ *previously* adopted by the State Department
7 of Health Services, pursuant to authority now vested in the State
8 Department of Mental Health by Section 5652.5 of the Welfare
9 and Institutions Code, and in effect immediately preceding
10 September 20, 1988, shall remain in effect and shall be fully
11 enforceable by the State Department of Mental Health with respect
12 to any facility or program required to be licensed as a psychiatric
13 health facility, unless and until readopted, amended, or repealed
14 by the Director of Mental Health.

15 SEC. 23. Section 13113 of the Health and Safety Code is
16 amended to read:

17 13113. (a) Except as otherwise provided in this section, no
18 person, firm, or corporation shall establish, maintain, or operate
19 any hospital, children’s home, children’s nursery, or institution,
20 home or institution for the care of aged or senile persons,
21 sanitarium or institution for insane or ~~mentally-retarded~~ persons
22 *with intellectual disabilities*, or nursing or convalescent home,
23 wherein more than six guests or patients are housed or cared for
24 on a 24-hour-per-day basis unless there is installed and maintained
25 in an operable condition in every building, or portion thereof where
26 patients or guests are housed, an automatic sprinkler system
27 approved by the State Fire Marshal.

28 (b) This section does not apply to homes or institutions for the
29 24-hour-per-day care of ambulatory children if all of the following
30 conditions are satisfied:

31 (1) The buildings, or portions thereof in which children are
32 housed, are not more than two stories in height and are constructed
33 and maintained in accordance with regulations adopted by the
34 State Fire Marshal pursuant to Section 13143 and building
35 standards published in the California Building Standards Code.

36 (2) The buildings, or portions thereof housing more than six
37 children, shall have installed and maintained in an operable
38 condition therein a fire alarm system of a type approved by the
39 State Fire Marshal. The system shall be activated by detectors
40 responding to invisible products of combustion other than heat.

1 (3) The buildings or portions thereof do not house mentally ill
2 ~~or mentally retarded~~ children *or children with intellectual*
3 *disabilities.*

4 (c) This section does not apply to any one-story building or
5 structure of an institution or home for the care of the aged providing
6 24-hour-per-day care if the building or structure is used or intended
7 to be used for the housing of no more than six ambulatory aged
8 persons. However, the buildings or institutions shall have installed
9 and maintained in an operable condition therein a fire alarm system
10 of a type approved by the State Fire Marshal. The system shall be
11 activated by detectors responding to products of combustion other
12 than heat.

13 (d) This section does not apply to occupancies, or any alterations
14 thereto, located in type I construction, as defined by the State Fire
15 Marshal, under construction or in existence on March 4, 1972.

16 (e) "Under construction," as used in this section, means that
17 actual work shall have been performed on the construction site
18 and shall not be construed to mean that the hospital, home, nursery,
19 institution, sanitarium, or any portion thereof, is in the planning
20 stage.

21 SEC. 24. Section 123935 of the Health and Safety Code is
22 amended to read:

23 123935. A handicapped child shall not be denied services
24 pursuant to this article because he or she ~~is mentally retarded~~ *has*
25 *an intellectual disability.*

26 SEC. 25. Section 127260 of the Health and Safety Code is
27 amended to read:

28 127260. The Advisory Health Council, upon review of a
29 decision of the department, shall do one of the following:

30 (a) Enter an order affirming the decision of the department
31 where it finds as to the respective basis of review that:

32 (1) The application was processed and the hearing conducted
33 was consistent with this chapter, or that any inconsistency with
34 respect thereto was immaterial to the decision of the department.

35 (2) There is substantial evidence in the record supporting the
36 department's decision.

37 (3) The department has not acted in an arbitrary and capricious
38 manner.

39 (b) Enter an order remanding the decision of the department
40 where it finds as to the respective basis of review that:

1 (1) The application was not processed or the hearing conducted
2 was not consistent with this chapter, and this inconsistency was
3 material to the decision rendered by the department.

4 (2) There is no substantial evidence in the record supporting
5 the decision.

6 (3) The department has acted in an arbitrary or capricious
7 manner.

8 (c) Enter an order reversing the decision of the department where
9 it finds as to the respective basis of review that:

10 (1) The application was not processed or the hearing conducted
11 was not consistent with the provisions of this chapter, and this
12 inconsistency was material to the decision rendered by the
13 department.

14 (2) There is no substantial evidence in the record supporting
15 the decision.

16 (3) The department has acted in an arbitrary or capricious
17 manner.

18 Orders of the council authorized by this section shall be made
19 only upon the affirmative vote of a majority of the council, with
20 at least six of the affirmative votes cast by the following members:

21 ~~(a)~~

22 (A) Representative of consumers of services for ~~the mentally~~
23 ~~retarded~~ *people with intellectual disabilities* appointed by the
24 Governor.

25 ~~(b)~~

26 (B) Representative of consumers of mental health services
27 appointed by the Governor.

28 ~~(c)~~

29 (C) Representative of local government appointed by the
30 Governor.

31 ~~(d)~~

32 (D) Representatives of the general consumer public appointed
33 by the Governor, Senate Committee on Rules, or Speaker of the
34 Assembly.

35 ~~(e)~~

36 (E) Members of the Legislature appointed by the Senate
37 Committee on Rules or Speaker of the Assembly.

38 SEC. 26. Section 129395 of the Health and Safety Code is
39 amended to read:

1 129395. “Hospital” includes hospitals for the chronically ill
 2 and impaired, public health centers, community mental health
 3 centers, facilities for ~~the mentally retarded~~ *people with intellectual*
 4 *disabilities*, and general, tuberculosis, mental and other types of
 5 hospitals and related facilities, such as laboratories, outpatient
 6 departments, nurses’ home and training facilities, and central
 7 service facilities operated in connection with hospitals, diagnostic
 8 or treatment centers, nursing homes, and rehabilitation facilities,
 9 but except for facilities for ~~the mentally retarded~~ *people with*
 10 *intellectual disabilities* does not include any institution furnishing
 11 primarily domiciliary care.

12 SEC. 27. Section 1370.1 of the Penal Code is amended to read:

13 1370.1. (a) (1) (A) If the defendant is found mentally
 14 competent, the criminal process shall resume, the trial on the
 15 offense charged shall proceed, and judgment may be pronounced.

16 (B) If the defendant is found mentally incompetent and is
 17 developmentally disabled, the trial or judgment shall be suspended
 18 until the defendant becomes mentally competent.

19 (i) Except as provided in clause (ii) or (iii), the court shall
 20 consider a recommendation for placement, which recommendation
 21 shall be made to the court by the director of a regional center or
 22 designee. In the meantime, the court shall order that the mentally
 23 incompetent defendant be delivered by the sheriff or other person
 24 designated by the court to a state hospital or developmental center
 25 for the care and treatment of the developmentally disabled or any
 26 other available residential facility approved by the director of a
 27 regional center for the developmentally disabled established under
 28 Division 4.5 (commencing with Section 4500) of the Welfare and
 29 Institutions Code as will promote the defendant’s speedy attainment
 30 of mental competence, or be placed on outpatient status pursuant
 31 to the provisions of Section 1370.4 and Title 15 (commencing with
 32 Section 1600) of Part 2.

33 (ii) However, if the action against the defendant who has been
 34 found mentally incompetent is on a complaint charging a felony
 35 offense specified in Section 290, the prosecutor shall determine
 36 whether the defendant previously has been found mentally
 37 incompetent to stand trial pursuant to this chapter on a charge of
 38 a Section 290 offense, or whether the defendant is currently the
 39 subject of a pending Section 1368 proceeding arising out of a
 40 charge of a Section 290 offense. If either determination is made,

1 the prosecutor shall so notify the court and defendant in writing.
2 After this notification, and opportunity for hearing, the court shall
3 order that the defendant be delivered by the sheriff to a state
4 hospital or other secure treatment facility for the care and treatment
5 of the developmentally disabled unless the court makes specific
6 findings on the record that an alternative placement would provide
7 more appropriate treatment for the defendant and would not pose
8 a danger to the health and safety of others.

9 (iii) If the action against the defendant who has been found
10 mentally incompetent is on a complaint charging a felony offense
11 specified in Section 290 and the defendant has been denied bail
12 pursuant to subdivision (b) of Section 12 of Article I of the
13 California Constitution because the court has found, based upon
14 clear and convincing evidence, a substantial likelihood that the
15 person's release would result in great bodily harm to others, the
16 court shall order that the defendant be delivered by the sheriff to
17 a state hospital for the care and treatment of the developmentally
18 disabled unless the court makes specific findings on the record
19 that an alternative placement would provide more appropriate
20 treatment for the defendant and would not pose a danger to the
21 health and safety of others.

22 (iv) The clerk of the court shall notify the Department of Justice
23 in writing of any finding of mental incompetence with respect to
24 a defendant who is subject to clause (ii) or (iii) for inclusion in his
25 or her state summary criminal history information.

26 (C) Upon becoming competent, the court shall order that the
27 defendant be returned to the committing court pursuant to the
28 procedures set forth in paragraph (2) of subdivision (a) of Section
29 1372 or by another person designated by the court. The court shall
30 further determine conditions under which the person may be absent
31 from the placement for medical treatment, social visits, and other
32 similar activities. Required levels of supervision and security for
33 these activities shall be specified.

34 (D) The court shall transmit a copy of its order to the regional
35 center director or designee and to the Director of Developmental
36 Services.

37 (E) A defendant charged with a violent felony may not be placed
38 in a facility or delivered to a state hospital, developmental center,
39 or residential facility pursuant to this subdivision unless the facility,
40 state hospital, developmental center, or residential facility has a

1 secured perimeter or a locked and controlled treatment facility,
 2 and the judge determines that the public safety will be protected.

3 (F) For purposes of this paragraph, “violent felony” means an
 4 offense specified in subdivision (c) of Section 667.5.

5 (G) A defendant charged with a violent felony may be placed
 6 on outpatient status, as specified in Section 1370.4 or 1600, only
 7 if the court finds that the placement will not pose a danger to the
 8 health or safety of others.

9 (H) As used in this section, “developmental disability” means
 10 a disability that originates before an individual attains ~~age~~ 18 *years*
 11 *of age*, continues, or can be expected to continue, indefinitely and
 12 constitutes a substantial handicap for the individual, and shall not
 13 include other handicapping conditions that are solely physical in
 14 nature. As defined by the Director of Developmental Services, in
 15 consultation with the Superintendent of Public Instruction, this
 16 term shall include ~~mental retardation~~ *intellectual disability*, cerebral
 17 palsy, epilepsy, and autism. This term shall also include
 18 handicapping conditions found to be closely related to ~~mental~~
 19 ~~retardation~~ *intellectual disability* or to require treatment similar to
 20 that required for ~~mentally retarded~~ individuals *with an intellectual*
 21 *disability*, but shall not include other handicapping conditions that
 22 are solely physical in nature.

23 (2) Prior to making the order directing the defendant be confined
 24 in a state hospital, developmental center, or other residential facility
 25 or be placed on outpatient status, the court shall order the regional
 26 center director or designee to evaluate the defendant and to submit
 27 to the court within 15 judicial days of the order a written
 28 recommendation as to whether the defendant should be committed
 29 to a state hospital or developmental center or to any other available
 30 residential facility approved by the regional center director. No
 31 person shall be admitted to a state hospital, developmental center,
 32 or other residential facility or accepted for outpatient status under
 33 Section 1370.4 without having been evaluated by the regional
 34 center director or designee.

35 (3) When the court orders that the defendant be confined in a
 36 state hospital or other secure treatment facility pursuant to clause
 37 (ii) or (iii) of subparagraph (B) of paragraph (1), the court shall
 38 provide copies of the following documents which shall be taken
 39 with the defendant to the state hospital or other secure treatment
 40 facility where the defendant is to be confined:

1 (A) State summary criminal history information.

2 (B) Any arrest reports prepared by the police department or
3 other law enforcement agency.

4 (C) Records of ~~any~~ a finding of mental incompetence pursuant
5 to this chapter arising out of a complaint charging a felony offense
6 specified in Section 290 or ~~any~~ a pending Section 1368 proceeding
7 arising out of a charge of a Section 290 offense.

8 (4) When the defendant is committed to a residential facility
9 pursuant to clause (i) of subparagraph (B) of paragraph (1) or the
10 court makes the findings specified in clause (ii) or (iii) of
11 subparagraph (B) of paragraph (1) to assign the defendant to a
12 facility other than a state hospital or other secure treatment facility,
13 the court shall order that notice be given to the appropriate law
14 enforcement agency or agencies having local jurisdiction at the
15 site of the placement facility of ~~any~~ a finding of mental
16 incompetence pursuant to this chapter arising out of a charge of a
17 Section 290 offense.

18 (5) (A) If the defendant is committed or transferred to a state
19 hospital or developmental center pursuant to this section, the court
20 may, upon receiving the written recommendation of the executive
21 director of the state hospital or developmental center and the
22 regional center director that the defendant be transferred to a
23 residential facility approved by the regional center director, order
24 the defendant transferred to that facility. If the defendant is
25 committed or transferred to a residential facility approved by the
26 regional center director, the court may, upon receiving the written
27 recommendation of the regional center director, transfer the
28 defendant to a state hospital or developmental center or to another
29 residential facility approved by the regional center director.

30 In the event of dismissal of the criminal charges before the
31 defendant recovers competence, the person shall be subject to the
32 applicable provisions of the Lanterman-Petris-Short Act (Part 1
33 commencing with Section 5000) of Division 5 of the Welfare and
34 Institutions Code) or to commitment or detention pursuant to a
35 petition filed pursuant to Section 6502 of the Welfare and
36 Institutions Code.

37 The defendant or prosecuting attorney may contest either kind
38 of order of transfer by filing a petition with the court for a hearing,
39 which shall be held if the court determines that sufficient grounds
40 exist. At the hearing, the prosecuting attorney or the defendant

1 may present evidence bearing on the order of transfer. The court
2 shall use the same standards as used in conducting probation
3 revocation hearings pursuant to Section 1203.2.

4 Prior to making an order for transfer under this section, the court
5 shall notify the defendant, the attorney of record for the defendant,
6 the prosecuting attorney, and the regional center director or
7 designee.

8 (B) If the defendant is committed to a state hospital or secure
9 treatment facility pursuant to clause (ii) or (iii) of subparagraph
10 (B) of paragraph (1) and is subsequently transferred to ~~any other~~
11 *another* facility, copies of the documents specified in paragraph
12 (3) shall be taken with the defendant to the new facility. The
13 transferring facility shall also notify the appropriate law
14 enforcement agency or agencies having local jurisdiction at the
15 site of the new facility that the defendant is a person subject to
16 clause (ii) or (iii) of subparagraph (B) of paragraph (1).

17 (b) (1) Within 90 days of admission of a person committed
18 pursuant to subdivision (a), the executive director or designee of
19 the state hospital, developmental center, or other facility to which
20 the defendant is committed, or the outpatient supervisor where the
21 defendant is placed on outpatient status, shall make a written report
22 to the committing court and the regional center director or a
23 designee concerning the defendant's progress toward becoming
24 mentally competent. If the defendant has not become mentally
25 competent, but the report discloses a substantial likelihood the
26 defendant will become mentally competent within the next 90
27 days, the court may order that the defendant shall remain in the
28 state hospital, developmental center, or other facility or on
29 outpatient status for that period of time. Within 150 days of an
30 admission made pursuant to subdivision (a) or if the defendant
31 becomes mentally competent, the executive director or designee
32 of the hospital or developmental center or person in charge of the
33 facility or the outpatient supervisor shall report to the court and
34 the regional center director or his or her designee regarding the
35 defendant's progress toward becoming mentally competent. The
36 court shall provide to the prosecutor and defense counsel copies
37 of all reports under this section. If the report indicates that there
38 is no substantial likelihood that the defendant has become mentally
39 competent, the committing court shall order the defendant to be
40 returned to the court for proceedings pursuant to paragraph (2) of

1 subdivision (c). The court shall transmit a copy of its order to the
2 regional center director or designee and to the executive director
3 of the developmental center.

4 (2) ~~Any~~ A defendant who has been committed or has been on
5 outpatient status for 18 months, and is still hospitalized or on
6 outpatient status shall be returned to the committing court where
7 a hearing shall be held pursuant to the procedures set forth in
8 Section 1369. The court shall transmit a copy of its order to the
9 regional center director or designee and the executive director of
10 the developmental center.

11 (3) If it is determined by the court that no treatment for the
12 defendant's mental impairment is being conducted, the defendant
13 shall be returned to the committing court. A copy of this order
14 shall be sent to the regional center director or designee and to the
15 executive director of the developmental center.

16 (4) At each review by the court specified in this subdivision,
17 the court shall determine if the security level of housing and
18 treatment is appropriate and may make an order in accordance
19 with its determination.

20 (c) (1) (A) At the end of three years from the date of
21 commitment or a period of commitment equal to the maximum
22 term of imprisonment provided by law for the most serious offense
23 charged in the information, indictment, or misdemeanor complaint,
24 whichever is shorter, any defendant who has not become mentally
25 competent shall be returned to the committing court.

26 (B) The court shall notify the regional center director or designee
27 and the executive director of the developmental center of that
28 return and of any resulting court orders.

29 (2) In the event of dismissal of the criminal charges before the
30 defendant becomes mentally competent, the defendant shall be
31 subject to the applicable provisions of the Lanterman-Petris-Short
32 Act (Part 1 (commencing with Section 5000) of Division 5 of the
33 Welfare and Institutions Code), or to commitment and detention
34 pursuant to a petition filed pursuant to Section 6502 of the Welfare
35 and Institutions Code. If it is found that the person is not subject
36 to commitment or detention pursuant to the applicable provision
37 of the Lanterman-Petris-Short Act (Part 1 (commencing with
38 Section 5000) of Division 5 of the Welfare and Institutions Code)
39 or to commitment or detention pursuant to a petition filed pursuant
40 to Section 6502 of the Welfare and Institutions Code, the individual

1 shall not be subject to further confinement pursuant to this article
2 and the criminal action remains subject to dismissal pursuant to
3 Section 1385. The court shall notify the regional center director
4 and the executive director of the developmental center of any
5 dismissal.

6 (d) Notwithstanding any other provision of this section, the
7 criminal action remains subject to dismissal pursuant to Section
8 1385. If at any time prior to the maximum period of time allowed
9 for proceedings under this article, the regional center director
10 concludes that the behavior of the defendant related to the
11 defendant's criminal offense has been eliminated during time spent
12 in court-ordered programs, the court may, upon recommendation
13 of the regional center director, dismiss the criminal charges. The
14 court shall transmit a copy of any order of dismissal to the regional
15 center director and to the executive director of the developmental
16 center.

17 (e) For the purpose of this section, "secure treatment facility"
18 shall not include, except for state mental hospitals, state
19 developmental centers, and correctional treatment facilities, any
20 facility licensed pursuant to Chapter 2 (commencing with Section
21 1250) of, Chapter 3 (commencing with Section 1500) of, or Chapter
22 3.2 (commencing with Section 1569) of, Division 2 of the Health
23 and Safety Code, or any community board and care facility.

24 SEC. 28. Section 1376 of the Penal Code is amended to read:

25 1376. (a) As used in this section, "~~mentally retarded~~"
26 "*intellectually disabled*" means the condition of significantly
27 subaverage general intellectual functioning existing concurrently
28 with deficits in adaptive behavior and manifested before ~~the age~~
29 *of 18 years of age*.

30 (b) (1) In any case in which the prosecution seeks the death
31 penalty, the defendant may, at a reasonable time prior to the
32 commencement of trial, apply for an order directing that a ~~mental~~
33 ~~retardation~~ hearing *to determine intellectual disability* be
34 conducted. Upon the submission of a declaration by a qualified
35 expert stating his or her opinion that the defendant is ~~mentally~~
36 ~~retarded~~ *intellectually disabled*, the court shall order a hearing to
37 determine whether the defendant is ~~mentally retarded~~ *intellectually*
38 *disabled*. At the request of the defendant, the court shall conduct
39 the hearing without a jury prior to the commencement of the trial.
40 The defendant's request for a court hearing prior to trial shall

1 constitute a waiver of a jury hearing on the issue of ~~mental~~
2 ~~retardation~~ *intellectual disability*. If the defendant does not request
3 a court hearing, the court shall order a jury hearing to determine
4 if the defendant is ~~mentally retarded~~ *intellectually disabled*. The
5 jury hearing on ~~mental retardation~~ *intellectual disability* shall occur
6 at the conclusion of the phase of the trial in which the jury has
7 found the defendant guilty with a finding that one or more of the
8 special circumstances enumerated in Section 190.2 are true. Except
9 as provided in paragraph (3), the same jury shall make a finding
10 that the defendant is ~~mentally retarded~~ *intellectually disabled*, or
11 that the defendant is not ~~mentally retarded~~ *intellectually disabled*.

12 (2) For the purposes of the procedures set forth in this section,
13 the court or jury shall decide only the question of the defendant's
14 ~~mental retardation~~ *intellectual disability*. The defendant shall
15 present evidence in support of the claim that he or she is ~~mentally~~
16 ~~retarded~~ *intellectually disabled*. The prosecution shall present its
17 case regarding the issue of whether the defendant is ~~mentally~~
18 ~~retarded~~ *intellectually disabled*. Each party may offer rebuttal
19 evidence. The court, for good cause in furtherance of justice, may
20 permit either party to reopen its case to present evidence in support
21 of or opposition to the claim of ~~retardation~~ *intellectual disability*.
22 Nothing in this section shall prohibit the court from making orders
23 reasonably necessary to ensure the production of evidence
24 sufficient to determine whether or not the defendant is ~~mentally~~
25 ~~retarded~~ *intellectually disabled*, including, but not limited to, the
26 appointment of, and examination of the defendant by, qualified
27 experts. No statement made by the defendant during an examination
28 ordered by the court shall be admissible in the trial on the
29 defendant's guilt.

30 (3) At the close of evidence, the prosecution shall make its final
31 argument, and the defendant shall conclude with his or her final
32 argument. The burden of proof shall be on the defense to prove
33 by a preponderance of the evidence that the defendant is ~~mentally~~
34 ~~retarded~~ *intellectually disabled*. The jury shall return a verdict that
35 either the defendant is ~~mentally retarded~~ *intellectually disabled* or
36 the defendant is not ~~mentally retarded~~ *intellectually disabled*. The
37 verdict of the jury shall be unanimous. In any case in which the
38 jury has been unable to reach a unanimous verdict that the
39 defendant is ~~mentally retarded~~ *intellectually disabled*, and does
40 not reach a unanimous verdict that the defendant is not ~~mentally~~

1 ~~retarded~~ *intellectually disabled*, the court shall dismiss the jury
2 and order a new jury impaneled to try the issue of ~~mental~~
3 ~~retardation~~ *intellectual disability*. The issue of guilt shall not be
4 tried by the new jury.

5 (c) In the event the hearing is conducted before the court prior
6 to the commencement of the trial, the following shall apply:

7 (1) If the court finds that the defendant is ~~mentally retarded~~
8 *intellectually disabled*, the court shall preclude the death penalty
9 and the criminal trial thereafter shall proceed as in any other case
10 in which a sentence of death is not sought by the prosecution. If
11 the defendant is found guilty of murder in the first degree, with a
12 finding that one or more of the special circumstances enumerated
13 in Section 190.2 are true, the court shall sentence the defendant to
14 confinement in the state prison for life without the possibility of
15 parole. The jury shall not be informed of the prior proceedings or
16 the findings concerning the defendant's claim of ~~mental retardation~~
17 *intellectual disability*.

18 (2) If the court finds that the defendant is not ~~mentally retarded~~
19 *intellectually disabled*, the trial court shall proceed as in any other
20 case in which a sentence of death is sought by the prosecution.
21 The jury shall not be informed of the prior proceedings or the
22 findings concerning the defendant's claim of ~~mental retardation~~
23 *intellectual disability*.

24 (d) In the event the hearing is conducted before the jury after
25 the defendant is found guilty with a finding that one or more of
26 the special circumstances enumerated in Section 190.2 are true,
27 the following shall apply:

28 (1) If the jury finds that the defendant is ~~mentally retarded~~
29 *intellectually disabled*, the court shall preclude the death penalty
30 and shall sentence the defendant to confinement in the state prison
31 for life without the possibility of parole.

32 (2) If the jury finds that the defendant is not ~~mentally retarded~~
33 *intellectually disabled*, the trial shall proceed as in any other case
34 in which a sentence of death is sought by the prosecution.

35 (e) In any case in which the defendant has not requested a court
36 hearing as provided in subdivision (b), and has entered a plea of
37 not guilty by reason of insanity under Sections 190.4 and 1026,
38 the hearing on ~~mental retardation~~ *intellectual disability* shall occur
39 at the conclusion of the sanity trial if the defendant is found sane.

40 SEC. 29. Section 1420 of the Probate Code is amended to read:

1 1420. “Developmental disability” means a disability ~~which~~
2 *that* originates before an individual attains ~~age~~ *18 years of age*,
3 continues, or can be expected to continue, indefinitely, and
4 constitutes a substantial handicap for ~~such~~ *the* individual. As
5 defined by the Director of Developmental Services, in consultation
6 with the Superintendent of Public Instruction, this term includes
7 ~~mental retardation~~ *intellectual disability*, cerebral palsy, epilepsy,
8 and autism. This term also includes handicapping conditions found
9 to be closely related to ~~mental retardation~~ *intellectual disability* or
10 to require treatment similar to that required for ~~mentally retarded~~
11 individuals *with an intellectual disability*, but does not include
12 other handicapping conditions that are solely physical in nature.

13 SEC. 30. Section 25276 of the Vehicle Code is amended to
14 read:

15 25276. (a) A motor vehicle designed for carrying more than
16 eight persons, including the driver, owned by a private, nonprofit
17 organization that provides training or other activities for persons
18 ~~who are mentally retarded or physically disabled~~ *have intellectual*
19 *or physical disabilities*, or both, and that is certified by the
20 Department of Rehabilitation or licensed by the State Department
21 of ~~Health~~ *Developmental Services*, with respect to the providing
22 of this training or other activities, may be equipped with a flashing
23 amber light signal system.

24 (b) A motor vehicle, described in subdivision (a), may, while
25 actually engaged in the transportation of persons described in
26 subdivision (a) to or from a training or activity center operated by
27 the organization, display the flashing amber lights of the system
28 when necessarily parked upon a highway and in the process of
29 loading or unloading persons.

30 (c) Subdivisions (a) and (b) apply to a motor vehicle that is
31 rented, leased, or chartered by the organization.

32 SEC. 31. Section 4426 of the Welfare and Institutions Code is
33 amended to read:

34 4426. The department may inquire into the manner in which
35 ~~any mentally retarded~~ *a person with an intellectual disability who*
36 *is* subject to commitment, not confined in a state hospital, is cared
37 for and maintained. If, in its judgment, ~~any such~~ *the* person is not
38 properly and suitably cared for, ~~it~~ *the department* may apply to a
39 judge of the superior court for an order to commit him *or her* to a
40 state hospital under the provisions of this code. ~~Such~~ *This* order

1 shall not be made unless the judge finds, and certifies in the order,
 2 that ~~such~~ *the* person is not properly or suitably cared for by his *or*
 3 *her* relatives ~~or~~, *legal* guardian, or conservator, or that it is
 4 dangerous to the public to allow him *or her* to be cared for and
 5 maintained by ~~such~~ *the* relatives ~~or~~, *legal* guardian, or conservator.

6 SEC. 32. Section 4801 of the Welfare and Institutions Code is
 7 amended to read:

8 4801. (a) Judicial review shall be in the superior court for the
 9 county in which the state hospital, developmental center,
 10 community care facility, or health facility is located, except that,
 11 if the adult has been found incompetent to stand trial and has been
 12 committed pursuant to Chapter 6 (commencing with Section 1367)
 13 of Title 10 of Part 2 of the Penal Code, judicial review shall be in
 14 the superior court of the county that determined the question of
 15 the mental competence of the defendant. The adult requesting to
 16 be released shall be informed of his or her right to counsel by a
 17 member of the staff of the state hospital, developmental center,
 18 community care facility, or health facility and by the court; and if
 19 he or she does not have an attorney for the proceedings, the court
 20 shall immediately appoint the public defender or other attorney to
 21 assist him or her in the preparation of a petition for the writ of
 22 habeas corpus and to represent him or her in the proceedings. The
 23 person shall pay the costs of those legal services if he or she is
 24 able.

25 (b) At the time the petition for the writ of habeas corpus is filed
 26 with the court, the clerk of the court shall transmit a copy of the
 27 petition, together with notification as to the time and place of any
 28 evidentiary hearing in the matter, to the parent or conservator of
 29 the person seeking release or for whom release is sought and to
 30 the director of the appropriate regional center. Notice shall also
 31 be provided to the director of the appropriate developmental center
 32 if the person seeking release or for whom release is sought resides
 33 in a developmental center. The notice shall be sent by registered
 34 or certified mail with proper postage prepaid, addressed to the
 35 addressee's last known address, and with a return receipt requested.

36 (c) The court shall either release the adult or order an evidentiary
 37 hearing to be held not sooner than five judicial days nor more than
 38 10 judicial days after the petition and notice to the adult's parent
 39 or conservator and to the director of the appropriate regional center

1 and developmental center are deposited in the United States mail
2 pursuant to this section.

3 (1) Except as provided in paragraph (2), if the court finds (A)
4 that the adult requesting release or for whom release is requested
5 is not developmentally disabled, or (B) that he or she is
6 developmentally disabled and that he or she is able to provide
7 safely for his or her basic personal needs for food, shelter, and
8 clothing, he or she shall be released within 72 hours. If the court
9 finds that he or she is developmentally disabled and that he or she
10 is unable to provide safely for his or her basic personal needs for
11 food, shelter, or clothing, but that a responsible person or a regional
12 center or other public or private agency is willing and able to
13 provide therefor, the court shall release the developmentally
14 disabled adult to the responsible person or regional center or other
15 public or private agency, as the case may be, subject to any
16 conditions that the court deems proper for the welfare of the
17 developmentally disabled adult and that are consistent with the
18 purposes of this division.

19 (2) If the person is charged with a violent felony and has been
20 committed to his or her current placement pursuant to Section
21 1370.1 of the Penal Code or Section 6500, and the court finds (A)
22 that the adult requesting release or for whom release is requested
23 is not developmentally disabled or ~~mentally retarded~~ *intellectually*
24 *disabled*, or (B) that he or she is able to provide safely for his or
25 her basic personal needs for food, shelter, and clothing, the court
26 shall, before releasing the person, determine that the release will
27 not pose a danger to the health or safety of others due to the
28 person's known behavior. If the court finds there is no danger
29 pursuant to the finding required by subparagraph (D) of paragraph
30 (1) of subdivision (a) of Section 1370.1 of the Penal Code, the
31 person shall be released within 72 hours. If the person's release
32 poses a danger to the health or safety of others, the court may grant
33 or deny the request, taking into account the danger to the health
34 or safety of others posed by the person. If the court finds that
35 release of the person can be made subject to conditions that the
36 court deems proper for the preservation of public health and safety
37 and the welfare of the person, the person shall be released subject
38 to those conditions.

39 (d) If in any proceeding under this section, the court finds that
40 the adult is developmentally disabled and has no parent or

1 conservator, and is in need of a conservator, the court shall order
2 the appropriate regional center or the state department to initiate,
3 or cause to be initiated, proceedings for the appointment of a
4 conservator for the developmentally disabled adult.

5 (e) This section shall become operative January 1, 1988.

6 SEC. 33. Section 5002 of the Welfare and Institutions Code is
7 amended to read:

8 5002. Mentally disordered persons and persons impaired by
9 chronic alcoholism may no longer be judicially committed.

10 Mentally disordered persons shall receive services pursuant to
11 this part. Persons impaired by chronic alcoholism may receive
12 services pursuant to this part if they elect to do so pursuant to
13 Article 3 (commencing with Section 5225) of Chapter 2 of this
14 part.

15 Epileptics may no longer be judicially committed.

16 This part shall not be construed to repeal or modify laws relating
17 to the commitment of mentally disordered sex offenders, ~~mentally~~
18 ~~retarded~~ persons *with an intellectual disability*, and mentally
19 disordered criminal offenders, except as specifically provided in
20 Penal Code Section 4011.6, or as specifically provided in other
21 statutes.

22 SEC. 34. Section 5008 of the Welfare and Institutions Code is
23 amended to read:

24 5008. Unless the context otherwise requires, the following
25 definitions shall govern the construction of this part:

26 (a) "Evaluation" consists of multidisciplinary professional
27 analyses of a person's medical, psychological, educational, social,
28 financial, and legal conditions ~~as that~~ may appear to constitute a
29 problem. ~~Persons~~ *A person* providing evaluation services shall be
30 *a properly qualified professional* and may be *a*
31 ~~full-time employees~~ *employee* of an agency providing evaluation
32 services ~~or~~, may be *a part-time employee*, or may be
33 employed on a contractual basis.

34 (b) "Court-ordered evaluation" means an evaluation ordered by
35 a superior court pursuant to Article 2 (commencing with Section
36 5200) or by a court pursuant to Article 3 (commencing with Section
37 5225) of Chapter 2.

38 (c) "Intensive treatment" consists of ~~such~~ hospital and other
39 services ~~as that~~ may be indicated. Intensive treatment shall be
40 provided by properly qualified professionals and carried out in

1 facilities qualifying for reimbursement under the California
2 Medical Assistance Program (Medi-Cal) set forth in Chapter 7
3 (commencing with Section 14000) of Part 3 of Division 9, or under
4 Title XVIII of the federal Social Security Act and regulations
5 thereunder. Intensive treatment may be provided in hospitals of
6 the United States government by properly qualified professionals.
7 Nothing in this part shall be construed to prohibit an intensive
8 treatment facility from also providing 72-hour treatment and
9 evaluation.

10 (d) "Referral" is referral of persons by each agency or facility
11 providing intensive treatment or evaluation services to other
12 agencies or individuals. The purpose of referral shall be to provide
13 for continuity of care, and may include, but need not be limited
14 to, informing the person of available services, making appointments
15 on the person's behalf, discussing the person's problem with the
16 agency or individual to which the person has been referred,
17 appraising the outcome of referrals, and arranging for personal
18 escort and transportation when necessary. Referral shall be
19 considered complete when the agency or individual to whom the
20 person has been referred accepts responsibility for providing the
21 necessary services. All persons shall be advised of available precare
22 services which prevent initial recourse to hospital treatment or
23 aftercare services ~~which~~ *that* support adjustment to community
24 living following hospital treatment. These services may be provided
25 through county welfare departments, State Department of Mental
26 Health, Short-Doyle programs, or other local agencies.

27 Each agency or facility providing evaluation services shall
28 maintain a current and comprehensive file of all community
29 services, both public and private. These files shall contain current
30 agreements with agencies or individuals accepting referrals, as
31 well as appraisals of the results of past referrals.

32 (e) "Crisis intervention" consists of an interview or series of
33 interviews within a brief period of time, conducted by qualified
34 professionals, and designed to alleviate personal or family
35 situations ~~which~~ *that* present a serious and imminent threat to the
36 health or stability of the person or the family. The interview or
37 interviews may be conducted in the home of the person or family,
38 or on an inpatient or outpatient basis with ~~such~~ *the* therapy, or
39 other services, as may be appropriate. Crisis intervention may, as

1 appropriate, include suicide prevention, psychiatric, welfare,
2 psychological, legal, or other social services.

3 (f) “Prepetition screening” is a screening of all petitions for
4 court-ordered evaluation as provided in Article 2 (commencing
5 with Section 5200) of Chapter 2, consisting of a professional
6 review of all petitions; an interview with the petitioner and,
7 whenever possible, the person alleged, as a result of mental
8 disorder, to be a danger to others, or to himself or herself, or to be
9 gravely disabled, to assess the problem and explain the petition;
10 when indicated, efforts to persuade the person to receive, on a
11 voluntary basis, comprehensive evaluation, crisis intervention,
12 referral, and other services specified in this part.

13 (g) “Conservatorship investigation” means investigation by an
14 agency appointed or designated by the governing body of cases in
15 which conservatorship is recommended pursuant to Chapter 3
16 (commencing with Section 5350).

17 (h) (1) For purposes of Article 1 (commencing with Section
18 5150), Article 2 (commencing with Section 5200), and Article 4
19 (commencing with Section 5250) of Chapter 2, and for the purposes
20 of Chapter 3 (commencing with Section 5350), “gravely disabled”
21 means either of the following:

22 (A) A condition in which a person, as a result of a mental
23 disorder, is unable to provide for his or her basic personal needs
24 for food, clothing, or shelter.

25 (B) A condition in which a person, has been found mentally
26 incompetent under Section 1370 of the Penal Code and all of the
27 following facts exist:

28 (i) The indictment or information pending against the defendant
29 at the time of commitment charges a felony involving death, great
30 bodily harm, or a serious threat to the physical well-being of
31 another person.

32 (ii) The indictment or information has not been dismissed.

33 (iii) As a result of mental disorder, the person is unable to
34 understand the nature and purpose of the proceedings taken against
35 him or her and to assist counsel in the conduct of his or her defense
36 in a rational manner.

37 (2) For purposes of Article 3 (commencing with Section 5225)
38 and Article 4 (commencing with Section 5250), of Chapter 2, and
39 for the purposes of Chapter 3 (commencing with Section 5350),
40 “gravely disabled” means a condition in which a person, as a result

1 of impairment by chronic alcoholism, is unable to provide for his
2 or her basic personal needs for food, clothing, or shelter.

3 (3) The term “gravely disabled” does not include ~~mentally~~
4 ~~retarded~~ persons *with intellectual disabilities* by reason of ~~being~~
5 ~~mentally retarded~~ *having an intellectual disability* alone.

6 (i) “Peace officer” means a duly sworn peace officer as that
7 term is defined in Chapter 4.5 (commencing with Section 830) of
8 Title 3 of Part 2 of the Penal Code who has completed the basic
9 training course established by the Commission on Peace Officer
10 Standards and Training, or any parole officer or probation officer
11 specified in Section 830.5 of the Penal Code when acting in relation
12 to cases for which he or she has a legally mandated responsibility.

13 (j) “Postcertification treatment” means an additional period of
14 treatment pursuant to Article 6 (commencing with Section 5300)
15 of Chapter 2.

16 (k) “Court,” unless otherwise specified, means a court of record.

17 (l) “Antipsychotic medication” means any medication
18 customarily prescribed for the treatment of symptoms of psychoses
19 and other severe mental and emotional disorders.

20 (m) “Emergency” means a situation in which action to impose
21 treatment over the person’s objection is immediately necessary
22 for the preservation of life or the prevention of serious bodily harm
23 to the patient or others, and it is impracticable to first gain consent.
24 It is not necessary for harm to take place or become unavoidable
25 prior to treatment.

26 SEC. 35. Section 5325 of the Welfare and Institutions Code is
27 amended to read:

28 5325. Each person involuntarily detained for evaluation or
29 treatment under provisions of this part, each person admitted as a
30 voluntary patient for psychiatric evaluation or treatment to any
31 health facility, as defined in Section 1250 of the Health and Safety
32 Code, in which psychiatric evaluation or treatment is offered, and
33 each ~~mentally retarded~~ person *with an intellectual disability*
34 committed to a state hospital pursuant to Article 5 (commencing
35 with Section 6500) of Chapter 2 of Part 2 of Division 6 shall have
36 the following rights, a list of which shall be prominently posted
37 in the predominant languages of the community and explained in
38 a language or modality accessible to the patient in all facilities
39 providing such services and otherwise brought to his or her

1 attention by ~~such~~ additional means as *that* the Director of Mental
2 Health may designate by regulation:

3 (a) To wear his or her own clothes; to keep and use his or her
4 own personal possessions including his or her toilet articles; and
5 to keep and be allowed to spend a reasonable sum of his or her
6 own money for canteen expenses and small purchases.

7 (b) To have access to individual storage space for his or her
8 private use.

9 (c) To see visitors each day.

10 (d) To have reasonable access to telephones, both to make and
11 receive confidential calls or to have ~~such~~ calls made for them.

12 (e) To have ready access to letterwriting materials, including
13 stamps, and to mail and receive unopened correspondence.

14 (f) To refuse convulsive treatment including, but not limited to,
15 any electroconvulsive treatment, any treatment of the mental
16 condition ~~which~~ *that* depends on the induction of a convulsion by
17 any means, and insulin coma treatment.

18 (g) To refuse psychosurgery. Psychosurgery is defined as those
19 operations currently referred to as lobotomy, psychiatric surgery,
20 and behavioral surgery and all other forms of brain surgery if the
21 surgery is performed for the purpose of any of the following:

22 (1) Modification or control of thoughts, feelings, actions, or
23 behavior rather than the treatment of a known and diagnosed
24 physical disease of the brain.

25 (2) Modification of normal brain function or normal brain tissue
26 in order to control thoughts, feelings, actions, or behavior.

27 (3) Treatment of abnormal brain function or abnormal brain
28 tissue in order to modify thoughts, feelings, actions, or behavior
29 when the abnormality is not an established cause for those thoughts,
30 feelings, actions, or behavior.

31 Psychosurgery does not include prefrontal sonic treatment
32 wherein there is no destruction of brain tissue. The Director of
33 Mental Health shall promulgate appropriate regulations to assure
34 adequate protection of patients' rights in such treatment.

35 (h) To see and receive the services of a patient advocate who
36 has no direct or indirect clinical or administrative responsibility
37 for the person receiving mental health services.

38 (i) Other rights, as specified by regulation.

39 Each patient shall also be given notification in a language or
40 modality accessible to the patient of other constitutional and

1 statutory rights which are found by the State Department of Mental
2 Health to be frequently misunderstood, ignored, or denied.

3 Upon admission to a facility each patient shall immediately be
4 given a copy of a State Department of Mental Health prepared
5 patients' rights handbook.

6 The State Department of Mental Health shall prepare and provide
7 the forms specified in this section and in Section 5157.

8 The rights specified in this section may not be waived by the
9 person's parent, guardian, or conservator.

10 SEC. 36. Section 6250 of the Welfare and Institutions Code is
11 amended to read:

12 6250. As used in this part, "persons subject to judicial
13 commitment" means persons who may be judicially committed
14 under this part as mentally disordered sex offenders pursuant to
15 Article 1 (commencing with Section ~~6300~~ 6331), sexually violent
16 predators pursuant to Article 4 (commencing with Section 6600),
17 or ~~mentally retarded~~ persons *with intellectual disabilities* pursuant
18 to Article 2 (commencing with Section 6500) of Chapter 2 ~~of this~~
19 ~~part~~.

20 Nothing in this part shall be held to change or interfere with the
21 provisions of the Penal Code and other laws relating to mentally
22 disordered persons charged with crime or to the criminally insane.

23 This part shall be liberally construed so that, as far as possible
24 and consistent with the rights of persons subject to commitment,
25 those persons shall be treated, not as criminals, but as sick persons.

26 SEC. 37. The heading of Article 2 (commencing with Section
27 6500) of Chapter 2 of Part 2 of Division 6 of the Welfare and
28 Institutions Code is amended to read:

29

30 Article 2. ~~Mentally Retarded~~ *Persons with Intellectual*
31 *Disabilities*

32

33 SEC. 38. Section 6500 of the Welfare and Institutions Code,
34 as amended by Section 102 of Chapter 178 of the Statutes of 2010,
35 is amended to read:

36 6500. On and after July 1, 1971, no ~~mentally retarded~~ person
37 *with an intellectual disability* may be committed to the State
38 Department of Developmental Services pursuant to this article,
39 unless he or she is a danger to himself or herself, or others. For
40 the purposes of this article, dangerousness to self or others shall

1 be considered to include, but not be limited to, a finding of
2 incompetence to stand trial pursuant to the provisions of Chapter
3 6 (commencing with Section 1367) of Title 10 of Part 2 of the
4 Penal Code when the defendant has been charged with murder,
5 mayhem, aggravated mayhem, a violation of Section 207, 209, or
6 209.5 of the Penal Code in which the victim suffers intentionally
7 inflicted great bodily injury, robbery perpetrated by torture or by
8 a person armed with a dangerous or deadly weapon or in which
9 the victim suffers great bodily injury, carjacking perpetrated by
10 torture or by a person armed with a dangerous or deadly weapon
11 or in which the victim suffers great bodily injury, a violation of
12 subdivision (b) of Section 451 of the Penal Code, a violation of
13 paragraph (1) or (2) of subdivision (a) of Section 262 or paragraph
14 (2) or (3) of subdivision (a) of Section 261 of the Penal Code, a
15 violation of Section 288 of the Penal Code, any of the following
16 acts when committed by force, violence, duress, menace, fear of
17 immediate and unlawful bodily injury on the victim or another
18 person: a violation of paragraph (1) or (2) of subdivision (a) of
19 Section 262 of the Penal Code, a violation of Section 264.1, 286,
20 or 288a of the Penal Code, or a violation of subdivision (a) of
21 Section 289 of the Penal Code; a violation of Section 459 of the
22 Penal Code in the first degree, assault with intent to commit
23 murder, a violation of Section 220 of the Penal Code in which the
24 victim suffers great bodily injury, a violation of Section 18725,
25 18740, 18745, 18750, or 18755 of the Penal Code, or if the
26 defendant has been charged with a felony involving death, great
27 bodily injury, or an act which poses a serious threat of bodily harm
28 to another person.

29 If the ~~mentally retarded~~ person *with an intellectual disability* is
30 in the care or treatment of a state hospital, developmental center,
31 or other facility at the time a petition for commitment is filed
32 pursuant to this article, proof of a recent overt act while in the care
33 and treatment of a state hospital, developmental center, or other
34 facility is not required in order to find that the person is a danger
35 to self or others.

36 Any order of commitment made pursuant to this article shall
37 expire automatically one year after the order of commitment is
38 made. This section shall not be construed to prohibit any party
39 enumerated in Section 6502 from filing subsequent petitions for
40 additional periods of commitment. In the event subsequent petitions

1 are filed, the procedures followed shall be the same as with an
2 initial petition for commitment.

3 In any proceedings conducted under the authority of this article,
4 the ~~alleged mentally retarded~~ person *alleged to have an intellectual*
5 *disability* shall be informed of his or her right to counsel by the
6 court, and if the person does not have an attorney for the
7 proceedings, the court shall immediately appoint the public
8 defender or other attorney to represent him or her. The person shall
9 pay the cost for the legal services if he or she is able to do so. At
10 any judicial proceeding under the provisions of this article,
11 allegations that a person ~~is mentally retarded~~ *has an intellectual*
12 *disability* and *is* a danger to himself or herself or to others shall be
13 presented by the district attorney for the county unless the board
14 of supervisors, by ordinance or resolution, delegates this authority
15 to the county counsel.

16 SEC. 39. Section 6502 of the Welfare and Institutions Code is
17 amended to read:

18 6502. A petition for the commitment of a ~~mentally retarded~~
19 person *with an intellectual disability* to the State Department of
20 Developmental Services who has been found incompetent to stand
21 trial pursuant to Chapter 6 (commencing with Section 1367) of
22 Title 10 of Part 2 of the Penal Code when the defendant has been
23 charged with one or more of the offenses identified or described
24 in Section 6500, may be filed in the superior court of the county
25 that determined the question of mental competence of the
26 defendant. All other petitions may be filed in the county in which
27 that person is physically present. The following persons may
28 request the person authorized to present allegations pursuant to
29 Section 6500 to file a petition for commitment:

30 (a) The parent, guardian, conservator, or other person charged
31 with the support of the ~~mentally retarded~~ person.

32 (b) The probation officer.

33 (c) The ~~Youth Authority~~ *Division of Juvenile Facilities,*
34 *Department of Corrections and Rehabilitation.*

35 (d) Any person designated for that purpose by the judge of the
36 court.

37 (e) The ~~Director of Corrections~~ *Secretary of the Department of*
38 *Corrections and Rehabilitation.*

39 (f) The regional center director or his or her designee.

1 The request shall state the petitioner's reasons for supposing the
2 person to be eligible for admission thereto, and shall be verified
3 by affidavit.

4 SEC. 40. Section 6504 of the Welfare and Institutions Code is
5 amended to read:

6 6504. In all cases the court shall require due notice of the
7 hearing of the petition to be given to the ~~alleged mentally retarded~~
8 person *alleged to have an intellectual disability*. Whenever a
9 petition is filed, the court shall require ~~such~~ notice of the hearing
10 of the petition as it deems proper to be given to ~~any~~ a parent,
11 guardian, conservator, or other person charged with the support
12 of the person mentioned in the petition.

13 SEC. 41. Section 6504.5 of the Welfare and Institutions Code
14 is amended to read:

15 6504.5. Wherever a petition is filed pursuant to this article, the
16 court shall appoint the director of a regional center for the
17 developmentally disabled established under Division 4.5 ~~of this~~
18 ~~code~~ (*commencing with Section 4500*), or the designee of the
19 director, to examine the ~~alleged mentally retarded~~ person *alleged*
20 *to have an intellectual disability*.

21 Within 15 judicial days after his or her appointment, the regional
22 center director or designee shall submit to the court in writing a
23 report containing his or her evaluation of the ~~alleged mentally~~
24 ~~retarded~~ person *alleged to have an intellectual disability*. The
25 report shall contain a recommendation of a facility or facilities in
26 which the ~~alleged developmentally disabled~~ person *alleged to have*
27 *an intellectual disability* may be placed.

28 The report shall include a description of the least restrictive
29 residential placement necessary to achieve the purposes of
30 treatment. In determining the least restrictive residential placement,
31 consideration shall be given to public safety. If placement into or
32 out of a developmental center is recommended, the regional center
33 director or designee simultaneously shall submit the report to the
34 executive director of the developmental center or his or her
35 designee. The executive director of the developmental center or
36 his or her designee may, within 15 days of receiving the regional
37 center report, submit to the court a written report evaluating the
38 ability of the developmental center to achieve the purposes of
39 treatment for this person and whether the developmental center
40 placement can adequately provide the security measures or systems

1 required to protect the public health and safety from the potential
2 dangers posed by the person’s known behaviors.

3 The reports prepared by the regional center director and
4 developmental center director, if applicable, shall also address
5 suitable interim placements for the person as provided for in
6 Section 6506.

7 SEC. 42. Section 6505 of the Welfare and Institutions Code is
8 amended to read:

9 6505. Whenever the court considers it necessary or advisable,
10 it may cause an order to issue for the apprehension and delivery
11 to the court of the ~~alleged mentally retarded~~ person *alleged to have*
12 *an intellectual disability*, and may have the order executed by ~~any~~
13 *a peace officer*.

14 SEC. 43. Section 6506 of the Welfare and Institutions Code is
15 amended to read:

16 6506. Pending the hearing, the court may order that the alleged
17 dangerous ~~mentally retarded~~ *intellectually disabled* person may
18 be left in the charge of his or her parent, guardian, conservator, or
19 other suitable person, or placed in a state hospital for the
20 developmentally disabled, in the county psychiatric hospital, or in
21 any other suitable placement, as determined by the court. Prior to
22 the issuance of an order under this section, the regional center and
23 developmental center, if applicable, shall recommend to the court
24 a suitable person or facility to care for the ~~alleged mentally retarded~~
25 *person alleged to have an intellectual disability*. The determination
26 of a suitable person or facility shall be the least restrictive option
27 that provides for the person’s treatment needs and that has existing
28 security systems or measures in place to adequately protect the
29 public safety from any known dangers posed by the person. In
30 determining whether the public safety will be adequately protected,
31 the court shall make the finding required by subparagraph (D) of
32 paragraph (1) of subdivision (a) of Section 1370.1 of the Penal
33 Code.

34 Pending the hearing, the court may order that the person receive
35 necessary habilitation, care, and treatment, including medical and
36 dental treatment.

37 Orders made pursuant to this section shall expire at the time set
38 for the hearing pursuant to Section 6503. If the court upon a
39 showing of good cause grants a continuance of the hearing on the

1 matter, it shall order that the person be detained pursuant to this
2 section until the hearing on the petition is held.

3 SEC. 44. Section 6507 of the Welfare and Institutions Code is
4 amended to read:

5 6507. The court shall inquire into the condition or status of the
6 ~~alleged mentally retarded~~ person *alleged to have an intellectual*
7 *disability*. For this purpose it may, by subpoena, require the
8 attendance before it of a physician who has made a special study
9 of ~~mental retardation~~ *intellectual disabilities* and is qualified as a
10 medical examiner, and of a clinical psychologist, or of two such
11 physicians, or of two such psychologists, to examine the person
12 and testify concerning his *or her* mentality. The court may also,
13 by subpoena, require the attendance of ~~such~~ other persons as it
14 deems advisable, to give evidence.

15 SEC. 45. Section 6508 of the Welfare and Institutions Code is
16 amended to read:

17 6508. Each psychologist and physician shall receive for each
18 attendance mentioned in Section 6507 the sum of five dollars (\$5)
19 for each person examined, together with his *or her* necessary actual
20 expenses occasioned thereby, and other witnesses shall receive for
21 ~~such~~ attendance such fees and expenses as the court in its discretion
22 allows, if any, not exceeding the fees and expenses allowed by
23 law in other cases in the superior court.

24 Any fees or traveling expenses payable to a psychologist,
25 physician, or witness as provided in this section and all expenses
26 connected with the execution of ~~any a~~ process under the provisions
27 of this article, which are not paid by the parent, guardian,
28 conservator, or person charged with the support of the ~~supposed~~
29 ~~mentally retarded~~ person *supposed to have an intellectual*
30 *disability*, shall be paid by the county treasurer of the county in
31 which the person resides, upon the presentation to the treasurer of
32 a certificate of the judge that the claimant is entitled thereto.

33 SEC. 46. Section 6509 of the Welfare and Institutions Code is
34 amended to read:

35 6509. (a) If the court finds that the person ~~is mentally retarded~~
36 *has an intellectual disability*, and that he or she is a danger to
37 himself, herself, or to others, the court may make an order that the
38 person be committed to the State Department of Developmental
39 Services for suitable treatment and habilitation services. Suitable
40 treatment and habilitation services is defined as the least restrictive

1 residential placement necessary to achieve the purposes of
2 treatment. Care and treatment of a person committed to the State
3 Department of Developmental Services may include placement in
4 any state hospital, developmental center, any licensed community
5 care facility, as defined in Section 1504, or any health facility, as
6 defined in Section 1250, or any other appropriate placement
7 permitted by law. The court shall hold a hearing as to the available
8 placement alternatives and consider the reports of the regional
9 center director or designee and the developmental center director
10 or designee submitted pursuant to Section 6504.5. After hearing
11 all the evidence, the court shall order that the person be committed
12 to that placement that the court finds to be the most appropriate
13 alternative. If the court finds that release of the person can be made
14 subject to conditions that the court deems proper and adequate for
15 the protection and safety of others and the welfare of the person,
16 the person shall be released subject to those conditions.

17 The court, however, may commit a ~~mentally retarded~~ person
18 *who has an intellectual disability* who is not a resident of this state
19 under Section 4460 for the purpose of transportation of the person
20 to the state of his or her legal residence pursuant to Section 4461.
21 The State Department of Developmental Services shall receive the
22 person committed to it and shall place the person in the placement
23 ordered by the court.

24 (b) If the person has at any time been found mentally
25 incompetent pursuant to Chapter 6 (commencing with Section
26 1367) of Title 10 of Part 2 of the Penal Code arising out of a
27 complaint charging a felony offense specified in Section 290 of
28 the Penal Code, the court shall order the State Department of
29 Developmental Services to give notice of that finding to the
30 designated placement facility and the appropriate law enforcement
31 agency or agencies having local jurisdiction at the site of the
32 placement facility.

33 (c) If the *State* Department of Developmental Services decides
34 that a change in placement is necessary, it shall notify in writing
35 the court of commitment, the district attorney, and the attorney of
36 record for the person and the regional center of its decision at least
37 15 days in advance of the proposed change in placement. The court
38 may hold a hearing and (1) approve or disapprove of the change,
39 or (2) take no action in which case the change shall be deemed

1 approved. At the request of the district attorney or of the attorney
 2 for the person, a hearing shall be held.

3 SEC. 47. Section 6511 of the Welfare and Institutions Code is
 4 amended to read:

5 6511. Any person who knowingly contrives to have ~~any a~~
 6 ~~person adjudged mentally retarded~~ *to have an intellectual disability*
 7 under the provisions of this article, unlawfully or improperly, is
 8 guilty of a misdemeanor.

9 SEC. 48. Section 6512 of the Welfare and Institutions Code is
 10 amended to read:

11 6512. If, when a boy or girl is brought before a juvenile court
 12 under the juvenile court law, it appears to the court, either before
 13 or after adjudication, that the person ~~is mentally retarded~~ *has an*
 14 *intellectual disability*, or if, on the conviction of any person of
 15 crime by any court it appears to the court that the person ~~is mentally~~
 16 ~~retarded~~ *has an intellectual disability*, the court may adjourn the
 17 proceedings or suspend the sentence, as the case may be, and direct
 18 some suitable person to take proceedings under this article against
 19 the person before the court, and the court may order that, pending
 20 the preparation, filing, and hearing of the petition, the person before
 21 the court be detained in a place of safety, or be placed under the
 22 guardianship of some suitable person, on his *or her* entering into
 23 a recognizance for the appearance of the person upon trial or under
 24 conviction when required. If, upon the hearing of the petition, or
 25 upon a subsequent hearing, the person upon trial or under
 26 conviction is not found to ~~be mentally retarded~~ *have an intellectual*
 27 *disability*, the court may proceed with the trial or impose sentence,
 28 as the case may be.

29 SEC. 49. Section 6513 of the Welfare and Institutions Code is
 30 amended to read:

31 6513. (a) The State Department of Developmental Services
 32 shall pay for the costs, as defined in this section, of judicial
 33 proceedings, including commitment, placement, or release, under
 34 this article under both of the following conditions:

35 (1) The judicial proceedings are in a county within which a state
 36 hospital or developmental center maintains a treatment program
 37 for ~~mentally retarded~~ persons *with intellectual disabilities* who are
 38 a danger to themselves or others.

39 (2) The judicial proceedings relate to a ~~mentally retarded~~ person
 40 *with an intellectual disability* who is at the time residing in the

1 state hospital or developmental center located in the county of the
2 proceedings.

3 (b) The appropriate financial officer or other designated official
4 in a county described in subdivision (a) may prepare a statement
5 of all costs incurred by the county in the investigation, preparation
6 for, and conduct of the proceeding, including any costs of the
7 district attorney or county counsel and any public defender or
8 court-appointed counsel representing the person, and including
9 any costs incurred by the county for the guarding or keeping of
10 the person while away from the state hospital and for transportation
11 of the person to and from the hospital. The statement shall be
12 certified to by a judge of the superior court and shall be sent to the
13 State Department of Developmental Services. In lieu of sending
14 statements after each proceeding, the statements may be held and
15 submitted quarterly for the preceding three-month period.

16 SEC. 50. Section 6551 of the Welfare and Institutions Code is
17 amended to read:

18 6551. If the court is in doubt as to whether the person is
19 mentally disordered or ~~mentally retarded~~ *has an intellectual*
20 *disability*, the court shall order the person to be taken to a facility
21 designated by the county and approved by the State Department
22 of Mental Health as a facility for 72-hour treatment and evaluation.
23 Thereupon, Article 1 (commencing with Section 5150) of Chapter
24 2 of Part 1 of Division 5 applies, except that the professional person
25 in charge of the facility shall make a written report to the court
26 concerning the results of the evaluation of the person's mental
27 condition. If the professional person in charge of the facility finds
28 the person is, as a result of mental disorder, in need of intensive
29 treatment, the person may be certified for not more than 14 days
30 of involuntary intensive treatment if the conditions set forth in
31 subdivision (c) of Section 5250 and subdivision (b) of Section
32 5260 are complied with. Thereupon, Article 4 (commencing with
33 Section 5250) of Chapter 2 of Part 1 of Division 5 shall apply to
34 the person. The person may be detained pursuant to Article 4.5
35 (commencing with Section 5260), or Article 4.7 (commencing
36 with Section 5270.10), or Article 6 (commencing with Section
37 5300) of Part 1 of Division 5 if that article applies.

38 If the professional person in charge of the facility finds that the
39 person ~~is mentally retarded~~ *has an intellectual disability*, the
40 juvenile court may direct the filing in any other court of a petition

1 for the commitment of a minor ~~as a mentally retarded person~~ to
 2 the State Department of Developmental Services for placement in
 3 a state hospital. In ~~such~~ *this* case, the juvenile court shall transmit
 4 to the court in which the petition is filed a copy of the report of
 5 the professional person in charge of the facility in which the minor
 6 was placed for observation. The court in which the petition for
 7 commitment is filed may accept the report of the professional
 8 person in lieu of the appointment, or subpoenaing, and testimony
 9 of other expert witnesses appointed by the court, if the laws
 10 applicable to ~~such~~ *the* commitment proceedings provide for the
 11 appointment by court of medical or other expert witnesses or may
 12 consider the report as evidence in addition to the testimony of
 13 medical or other expert witnesses.

14 If the professional person in charge of the facility for 72-hour
 15 evaluation and treatment reports to the juvenile court that the minor
 16 is not affected with any mental disorder requiring intensive
 17 treatment or ~~mental retardation~~ *does not have an intellectual*
 18 *disability*, the professional person in charge of the facility shall
 19 return the minor to the juvenile court on or before the expiration
 20 of the 72-hour period and the court shall proceed with the case in
 21 accordance with the Juvenile Court Law.

22 Any expenditure for the evaluation or intensive treatment of a
 23 minor under this section shall be considered an expenditure made
 24 under Part 2 (commencing with Section 5600) of Division 5 and
 25 shall be reimbursed by the state as are other local expenditures
 26 pursuant to that part.

27 The jurisdiction of the juvenile court over the minor shall be
 28 suspended during such time as the minor is subject to the
 29 jurisdiction of the court in which the petition for postcertification
 30 treatment of an imminently dangerous person or the petition for
 31 commitment of a ~~mentally retarded~~ person *with an intellectual*
 32 *disability* is filed or under remand for 90 days for intensive
 33 treatment or commitment ordered by ~~such~~ *the* court.

34 SEC. 51. The heading of Article 4 (commencing with Section
 35 6715) of Chapter 3 of Part 2 of Division 6 of the Welfare and
 36 Institutions Code is amended to read:

37
 38 Article 4. ~~Mentally Retarded~~ *Persons with Intellectual*
 39 *Disabilities*
 40

1 SEC. 52. Section 6715 of the Welfare and Institutions Code is
2 amended to read:

3 6715. The court shall inquire into the financial condition of
4 the parent, guardian, or other person charged with the support of
5 ~~any a~~ person committed as ~~mentally-retarded person~~ *having an*
6 *intellectual disability*, and if it finds ~~him~~ *the person* able to do so,
7 in whole or in part, it shall make a further order, requiring him *or*
8 *her* to pay, to the extent the court considers ~~him~~ *the person* able
9 ~~to pay~~, the expenses of the proceedings in connection with the
10 investigation, detention, and commitment of the person committed,
11 and the expenses of ~~his~~ *the committed person's* delivery to the
12 institution, and to pay to the county, at stated periods, ~~such~~ *the*
13 ~~sums as~~ the court deems proper, during ~~such~~ *the* time as the person
14 remains in the institution or on leave of absence to a licensed
15 hospital, facility, or home for the care of ~~such~~ *those* persons. This
16 order may be enforced by ~~such~~ further orders as the court deems
17 necessary, and may be varied, altered, or revoked in its discretion.

18 The court shall designate ~~some~~ *a* county officer to keep a record
19 of ~~such~~ payments ordered to be made, to receive, receipt for, and
20 record ~~such~~ *the* payments made, to pay over ~~such~~ *the* payments to
21 the county treasurer, to see that the persons ordered to make ~~such~~
22 *the* payments comply with ~~such~~ *the* orders, and to report to the
23 court any failure ~~on the part of such persons~~ to make ~~such~~ *the*
24 payments.

25 SEC. 53. Section 6717 of the Welfare and Institutions Code is
26 amended to read:

27 6717. The cost necessarily incurred in determining whether a
28 person is a fit subject for ~~admission to a home for the mentally~~
29 ~~retarded~~ *commitment* and securing his ~~admission thereto or her~~
30 *commitment*, is a charge upon the county whence he *or she* is
31 committed. ~~Such~~ *These* costs include the fees of witnesses, medical
32 examiners, psychiatrists, and psychologists allowed by the judge
33 ordering the examination. If the person sought to be committed is
34 not an indigent person, the costs of the proceedings are the
35 obligation of ~~such~~ *that* person and shall be paid by him *or her*, or
36 by ~~the~~ *his or her* guardian or conservator ~~of his estate~~, as provided
37 in Division 4 (commencing with Section 1400) of the Probate
38 Code, or shall be paid by persons legally liable for his *or her*
39 maintenance, unless otherwise ordered by the judge.

1 SEC. 54. Section 6718 of the Welfare and Institutions Code is
2 amended to read:

3 6718. The State Department of Mental Health shall present to
4 the county, not more frequently than monthly, a claim for the
5 amount due the state by reason of commitments of ~~the mentally~~
6 ~~retarded~~ *persons with intellectual disabilities*, which the county
7 shall process and pay pursuant to the provisions of Chapter 4
8 (commencing with Section 29700) of Division 3 of Title 3 of the
9 Government Code.

10 SEC. 55. Section 6740 of the Welfare and Institutions Code is
11 amended to read:

12 6740. The court shall attach to the order of commitment of a
13 ~~mentally-retarded~~ *person with an intellectual disability* its findings
14 and conclusions, together with all the social and other data it has
15 bearing upon the case, and the same shall be delivered to the ~~home~~
16 *place of commitment* with the order.

17 SEC. 56. Section 6741 of the Welfare and Institutions Code is
18 amended to read:

19 6741. The sheriff or probation officer, whichever ~~may be~~ *is*
20 designated by the court, may execute the order of commitment
21 with respect to ~~any mentally-retarded~~ *a person with an intellectual*
22 *disability*.

23 In any case in which the probation officer executes the order of
24 commitment, he *or she* shall be compensated for transporting ~~such~~
25 *the* person to a state hospital in the amount and manner in which
26 a sheriff is compensated for similar services.

27 SEC. 57. Section 7275 of the Welfare and Institutions Code is
28 amended to read:

29 7275. The husband, wife, father, mother, or children of a patient
30 in a state hospital for the mentally disordered, the estates of ~~such~~
31 *these* persons, and the guardian or conservator and administrator
32 of the estate of ~~such~~ *the* patient shall cause him *or her* to be
33 properly and suitably cared for and maintained, and shall pay the
34 costs and charges ~~of his~~ *for* transportation to a state institution.
35 The husband, wife, father, mother, or children of a patient in a
36 state hospital for the mentally disordered and the administrators
37 of their estates, and the estate of ~~such~~ *the* person shall be liable for
38 his *or her* care, support, and maintenance in a state institution of
39 which he *or she* is a patient. The liability of ~~such~~ *these* persons
40 and estates shall be a joint and several liability, and ~~such~~ *the*

1 liability shall exist whether the person has become a patient of a
2 state institution pursuant to the provisions of this code or pursuant
3 to the provisions of Sections 1026, 1368, 1369, 1370, and 1372 of
4 the Penal Code.

5 This section does not impose liability for the care of ~~mentally~~
6 ~~retarded~~ persons *with intellectual disabilities* in state hospitals.

7 SEC. 58. Section 7351 of the Welfare and Institutions Code is
8 amended to read:

9 7351. Wherever in any provision of this code heretofore or
10 hereafter enacted the term “parole” is used in relation to the release
11 of a patient from a state hospital, it shall be construed to refer to
12 and mean “leave of absence.” ~~Any~~ A judicially committed patient
13 or ~~mentally retarded~~ patient *with an intellectual disability* granted
14 a leave of absence on or after July 1, 1969, and ~~any~~ a patient on
15 leave of absence as of July 1, 1969, may at any time during the
16 period of the leave of absence be recalled and returned to the
17 hospital.

18 Upon the release of a judicially committed patient as granted by
19 the medical director of a state hospital, on leave of absence or
20 discharge upon any of the grounds provided in this article, in
21 accordance with the rules and regulations prescribed by the
22 department, the superintendent shall issue to or on behalf of the
23 judicially committed patient a document stating the general terms
24 or limitations of the leave of absence, or a certificate stating the
25 general condition of, or the reason for, the discharge of the
26 judicially committed patient.

27 SEC. 59. Nothing in this act shall be construed as making
28 changes to services being provided or eligibility standards in effect
29 at the time of enactment.

O