

AMENDED IN ASSEMBLY APRIL 4, 2013
AMENDED IN ASSEMBLY MARCH 19, 2013
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 610

Introduced by Assembly Member Achadjian

February 20, 2013

An act to amend Section 4117 of the Welfare and Institutions Code, relating to state hospitals.

LEGISLATIVE COUNSEL'S DIGEST

AB 610, as amended, Achadjian. State hospitals: involuntary treatment.

Existing law requires a county to submit a statement of all mental health treatment costs and a separate statement of nontreatment costs, to be submitted to the State Department of State Hospitals and the Controller, respectively, when a trial or hearing is held for specified inmates of state hospitals, including trials for persons charged with escape from a state hospital and trials for persons who commit a crime while confined in a state hospital.

This bill would make these provisions applicable to hearings for an order seeking involuntary treatment of a person confined in a state hospital with psychotropic medication or other medication for which an order is required.

Existing law authorizes a district attorney to file a petition for continued involuntary treatment for one year of a prisoner who refused to agree to treatment as part of parole, if the prisoner's severe mental disorder is not in remission or cannot be kept in remission without

treatment and the prisoner represents a substantial danger of physical harm to others.

This bill, ~~commencing July 1, 2014,~~ would require the nontreatment costs associated with petitions brought for continuing involuntary treatment under this provision to be paid by the county of commitment, as defined.

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

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

1 SECTION 1. Section 4117 of the Welfare and Institutions Code
 2 is amended to read:
 3 4117. (a) Whenever a trial is had of ~~a~~ *any* person charged with
 4 escape or attempt to escape from a state hospital, whenever a
 5 hearing is had on the return of a writ of habeas corpus prosecuted
 6 by or on behalf of ~~a~~ *any* person confined in a state hospital except
 7 in a proceeding to which Section 5110 applies, whenever a hearing
 8 is had on a petition under Section 1026.2, subdivision (b) of Section
 9 1026.5, Section 2966, ~~or~~ *and* Section 2972 of the Penal Code,
 10 Section 7361 of this code, or former Section 6316.2 of this code
 11 for the release of a person confined in a state hospital, whenever
 12 a hearing is had for an order seeking involuntary treatment of a
 13 person confined in a state hospital with psychotropic medication
 14 or other medication for which an order is required, and whenever
 15 a person confined in a state hospital is tried for a crime committed
 16 therein, the appropriate financial officer or other designated official
 17 of the county in which the trial or hearing is had shall make out a
 18 statement of all mental health treatment costs and shall make out
 19 a separate statement of all nontreatment costs incurred by the
 20 county for investigation and other preparation for the trial or
 21 hearing, and the actual trial or hearing, all costs of maintaining
 22 custody of the patient and transporting him or her to and from the
 23 hospital, and costs of appeal. ~~The, which~~ statements shall be
 24 properly certified by a judge of the superior court of that county
 25 and the statement of mental health treatment costs shall be sent to
 26 the State Department of State Hospitals and the statement of all
 27 nontreatment costs, except as provided in subdivision (c) with
 28 respect to petitions brought pursuant to Section 2970 of the Penal
 29 Code, shall be sent to the Controller for approval. After approval,

1 the department shall cause the amount of mental health treatment
2 costs incurred on or after July 1, 1987, to be paid to the county
3 mental health director or his or her designee where the trial or
4 hearing was held out of the money appropriated for this purpose
5 by the Legislature. In addition, the Controller shall cause the
6 amount of all nontreatment costs incurred on and after July 1,
7 1987, to be paid out of the money appropriated by the Legislature,
8 to the county treasurer of the county where the trial or hearing was
9 had.

10 (b) Commencing January 1, 2012, the nontreatment costs
11 associated with Section 2966 of the Penal Code and approved by
12 the Controller, as required by subdivision (a), shall be paid by the
13 Department of Corrections and Rehabilitation pursuant to Section
14 4750 of the Penal Code.

15 (c) Commencing ~~July~~ *January* 1, 2014, the nontreatment costs
16 associated with petitions brought pursuant to Section 2970 of the
17 Penal Code shall be paid by the county of commitment *in*
18 *accordance with the provisions of Section 5110*. As used in this
19 subdivision, “county of commitment” means the county seeking
20 the continued treatment of a mentally disordered offender pursuant
21 to Section 2970 of the Penal Code.

22 (d) (1) Whenever a hearing is held pursuant to Section 1604,
23 1608, 1609, or 2966 of the Penal Code, all transportation costs to
24 and from a state hospital or a facility designated by the community
25 program director during the hearing shall be paid by the Controller
26 as provided in this subdivision. The appropriate financial officer
27 or other designated official of the county in which a hearing is
28 held shall make out a statement of all transportation costs incurred
29 by the county. The statement shall be properly certified by a judge
30 of the superior court of that county and sent to the Controller for
31 approval. The Controller shall cause the amount of transportation
32 costs incurred on and after July 1, 1987, to be paid to the county
33 treasurer of the county where the hearing was had out of the money
34 appropriated by the Legislature.

35 (2) As used in this subdivision, “community program director”
36 means the person designated pursuant to Section 1605 of the Penal
37 Code.

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