

AMENDED IN ASSEMBLY APRIL 16, 2013

AMENDED IN ASSEMBLY APRIL 9, 2013

AMENDED IN ASSEMBLY APRIL 4, 2013

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 610**

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**Introduced by Assembly Member Achadjian**

February 20, 2013

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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 would require the nontreatment costs associated with ~~petitions brought any hearing for continuing involuntary treatment~~ *the involuntary medication of a person committed* 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 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 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 Section 2972 of the Penal Code, Section  
10 7361 of this code, or former Section 6316.2 of this code for the  
11 release of a person confined in a state hospital, whenever a hearing  
12 is had for an order seeking involuntary treatment of a person  
13 confined in a state hospital with psychotropic medication or other  
14 medication for which an order is required, and whenever a person  
15 confined in a state hospital is tried for a crime committed therein,  
16 the appropriate financial officer or other designated official of the  
17 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, which statements shall be properly  
24 certified by a judge of the superior court of that ~~county and the~~  
25 *county. The* statement of mental health treatment costs shall be  
26 sent to the State Department of State Hospitals and the statement  
27 of all nontreatment costs, except as provided in subdivision (c)

1 with respect to petitions brought pursuant to Section 2970 of the  
2 Penal Code, shall be sent to the Controller for approval. After  
3 approval, the department shall cause the amount of mental health  
4 treatment costs incurred on or after July 1, 1987, to be paid to the  
5 county mental health director or his or her designee where the trial  
6 or hearing was held out of the money appropriated for this purpose  
7 by the Legislature. In addition, the Controller shall cause the  
8 amount of all nontreatment costs incurred on and after July 1,  
9 1987, to be paid out of the money appropriated by the Legislature,  
10 to the county treasurer of the county where the trial or hearing was  
11 had.

12 (b) Commencing January 1, 2012, the nontreatment costs  
13 associated with Section 2966 of the Penal Code and approved by  
14 the Controller, as required by subdivision (a), shall be paid by the  
15 Department of Corrections and Rehabilitation pursuant to Section  
16 4750 of the Penal Code.

17 (c) Commencing January 1, 2014, the nontreatment costs  
18 associated with ~~petitions brought~~ *any hearing for an order seeking*  
19 *involuntary treatment with psychotropic medication, or any other*  
20 *medication for which an order is required, of a person confined*  
21 *in a state hospital* pursuant to Section 2970 of the Penal Code, as  
22 provided in subdivision (a), shall be paid by the county of  
23 commitment in accordance with the provisions of Section 5110.  
24 As used in this subdivision, “county of commitment” means the  
25 county seeking the continued treatment of a mentally disordered  
26 offender pursuant to Section 2970 of the Penal Code.

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

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

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