

ASSEMBLY BILL

No. 1960

Introduced by Assembly Member Perea

February 19, 2014

An act to amend Section 11105.1 of the Penal Code, relating to criminal history information.

LEGISLATIVE COUNSEL'S DIGEST

AB 1960, as introduced, Perea. State summary criminal history information: state hospitals.

Existing law requires the Department of Justice to maintain state summary criminal history information, including the identification and criminal history of any person, such as his or her name, date of birth, physical description, fingerprints, photographs, dates of arrest, arresting agencies and booking numbers, charges, dispositions, and similar data about the person. Existing law requires the department to furnish this information in response to a request from certain authorized agencies, organizations, or individuals for specified purposes. Existing law authorizes state criminal summary history information to be given to the director of a state hospital or other treatment facility in specified circumstances, including when the person is being committed for being dangerous to others.

This bill would require the Attorney General to provide state summary criminal history information to the director of a state hospital, or his or her designee, for a patient committed to that facility for treatment. The bill would require the state hospital to only use the information for the purpose of treatment or the determination of security required for that patient and to remove the information from the patient's file and destroy it within 30 days of the patient being discharged. This bill would also

authorize a law enforcement officer at a state hospital who has access to the California Law Enforcement Telecommunication System to provide state summary criminal history information to the director of a state hospital, or his or her designee, for this purpose.

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 11105.1 of the Penal Code is amended
2 to read:

3 11105.1. (a) The following persons shall be furnished with
4 state summary criminal history information when needed in the
5 course of their duties:

6 (1) The director of ~~a state hospital or other~~ treatment facility
7 *other than a state hospital* to which a person is committed for
8 treatment under Sections 1026 and 1370 of the Penal Code, or
9 Section 5250, if committed for being dangerous to others, or
10 Section 5300, or former Section 6316 or 6321, of the Welfare and
11 Institutions Code.

12 (2) The community program director or the director’s designee
13 under any of the following conditions:

14 (A) When ordered to evaluate a defendant for the court under
15 paragraph (2) of subdivision (a) of Section 1370 and subdivision
16 (b) of Section 1026 of the Penal Code, or paragraph (2) of
17 subdivision (a) of former Section 6316 of the Welfare and
18 Institutions Code.

19 (B) When ordered to provide outpatient treatment and
20 supervision services under Title 15 (commencing with Section
21 1600) of Part 2 of the Penal Code.

22 (C) When a patient is committed for being dangerous to others
23 under Section 5250 of the Welfare and Institutions Code.

24 (D) When the director or the director’s designee provides
25 evaluation, supervision, or treatment for a person under Section
26 2964 or 2972.

27 (3) The officer providing conservatorship investigation under
28 Section 5354 of the Welfare and Institutions Code in cases where
29 referral for conservatorship is made while the proposed conservatee
30 is being treated under Section 1026 or 1370 of the Penal Code or
31 Section 5250, if committed for being dangerous to others, or

1 Section 5300, or former Section 6316 or 6321, of the Welfare and
2 Institutions Code.

3 (b) In all instances pursuant to subdivision (a), the criminal
4 history record shall be transmitted by the court with the request
5 for evaluation or during the conservatorship investigation or with
6 the order committing the person to a treatment facility or approving
7 outpatient status, except that ~~the director of a state hospital,~~ the
8 county mental health ~~director,~~ *director* and the officer providing
9 conservatorship investigation may receive the state summary
10 criminal history information from the law enforcement agency
11 that referred the person for evaluation and treatment under Section
12 5150 of the Welfare and Institutions Code if the person has been
13 subsequently committed for being dangerous to others under
14 Section 5250 of the Welfare and Institutions Code. Information
15 obtained under this subdivision shall not be included in any
16 document ~~which~~ *that* will become part of a public record.

17 (c) (1) *Subject to the requirements of Section 11105, the*
18 *Attorney General shall furnish state summary criminal history*
19 *information to the director of a state hospital, or his or her*
20 *designee, for a patient committed to that facility for treatment. The*
21 *information shall only be used for the purpose of treatment or the*
22 *determination of security required for that patient. State summary*
23 *criminal history information shall be included in the patient's*
24 *confidential file for the duration of the patient's treatment at the*
25 *state hospital. The state summary criminal history information*
26 *shall be removed from the patient's file and destroyed within 30*
27 *days of the patient being discharged.*

28 (2) *Subject to the requirements and conditions in Section*
29 *11105.03, a law enforcement officer at a state hospital who has*
30 *access to the California Law Enforcement Telecommunication*
31 *System (CLETS) is hereby authorized to provide state summary*
32 *criminal history information to the director of a state hospital, or*
33 *his or her designee, for use as provided in paragraph (1).*

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