

AMENDED IN ASSEMBLY APRIL 22, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 897

Introduced by Assembly Member Gonzalez

February 26, 2015

An act to add Section 1297.18 to, and to repeal Article 2 (commencing with Section 1297.351) of Chapter 7 of Title 9.3 of Part 3 of, the Code of Civil Procedure, relating to international commercial disputes. An act to amend Section 5270.50 of the Welfare and Institutions Code, relating to mental health.

LEGISLATIVE COUNSEL'S DIGEST

AB 897, as amended, Gonzalez. ~~International commercial disputes: representation and assistance.~~ *Mental health: involuntary confinement.*

Existing law, the Lanterman-Petris-Short Act, provides for the involuntary detention and treatment of any person with a mental disorder who, as a result of the mental disorder, is a danger to others or to himself or herself, or is gravely disabled. Existing law establishes various requirements with respect to determinations to be made by a psychiatrist directly responsible for the person's treatment as to the initial detention for evaluation and treatment, for various subsequent periods of confinement for treatment, and for the release of persons subject to the act. Existing law provides that if certain conditions are satisfied, the professional person in charge of the facility providing intensive treatment, his or her designee, and the professional person directly responsible for the person's treatment shall not be held civilly or criminally liable for any action by a person released before or at the end of a specified 30-day treatment period.

This bill would extend those immunity provisions to the attorney or advocate representing the person, the court-appointed commissioner or referee, the certification review hearing officer, and the peace officer responsible for the detainment of the person, for any action by a person released at or before the end of the 30-day treatment period.

~~Existing law includes provisions that govern arbitration and conciliation proceedings for international commercial disputes. Existing law authorizes the parties in a conciliation proceeding to appear in person or be represented or assisted by any person of their choice, and provides that a person representing or assisting a party is not required to be a member of the legal profession or licensed to practice law in California.~~

~~This bill would recast the provision regarding representation and assistance of parties, thus making the provision applicable to any arbitration or conciliation proceeding conducted pursuant to the statutory provisions that govern arbitration and conciliation of international commercial disputes. The bill would also express the intent of the Legislature that those statutory provisions be broadly construed so as to promote California’s interest in becoming a major center for international commercial arbitration.~~

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 5270.50 of the Welfare and Institutions
- 2 Code is amended to read:
- 3 5270.50. (a) Notwithstanding Section 5113, if the provisions
- 4 of Section 5270.35 have been met, the professional person in
- 5 charge of the facility providing intensive treatment, his or her
- 6 designee, and the professional person directly responsible for the
- 7 person’s treatment shall not be held civilly or criminally liable for
- 8 any action by a person released before or at the end of ~~30 days the~~
- 9 30-day treatment period pursuant to this article.
- 10 (b) *The attorney or advocate representing the person, the*
- 11 *court-appointed commissioner or referee, the certification review*
- 12 *hearing officer conducting the certification review hearing, and*
- 13 *the peace officer responsible for the detainment of the person shall*
- 14 *not be held civilly or criminally liable for any action by a person*

1 *released before or at the end of the 30-day treatment period*
2 *pursuant to this article.*

3 ~~SECTION 1. (a) The Legislature finds and declares all of the~~
4 ~~following:~~

5 ~~(1) The statutes governing the arbitration and conciliation of~~
6 ~~international commercial disputes were enacted in 1988 to~~
7 ~~recognize, support, and promote the benefits of international~~
8 ~~commercial arbitration and conciliation in California.~~

9 ~~(2) California's robust, internationally oriented economy and~~
10 ~~concentration of large companies occupying positions of global~~
11 ~~leadership make California an ideal venue for international~~
12 ~~commercial arbitration.~~

13 ~~(3) The economic benefits of being a center for international~~
14 ~~commercial arbitration are substantial, broadly based, and~~
15 ~~distributed across both state and municipal levels.~~

16 ~~(b) Therefore, it is the intent of the Legislature that the statutes~~
17 ~~governing the arbitration and conciliation of international~~
18 ~~commercial disputes be broadly construed so as to promote~~
19 ~~California's interest in becoming a major center for international~~
20 ~~commercial arbitration.~~

21 ~~SEC. 2. Section 1297.18 is added to the Code of Civil~~
22 ~~Procedure, to read:~~

23 ~~1297.18. In any proceeding or procedure conducted pursuant~~
24 ~~to this title, the parties may appear in person or be represented or~~
25 ~~assisted by any person of their choice. A person representing or~~
26 ~~assisting a party need not be a member of the legal profession or~~
27 ~~licensed to practice law in California.~~

28 ~~SEC. 3. Article 2 (commencing with Section 1297.351) of~~
29 ~~Chapter 7 of Title 9.3 of Part 3 of the Code of Civil Procedure is~~
30 ~~repealed.~~