

**Introduced by Senator Hancock
(Principal coauthor: Senator Anderson)**

February 17, 2016

An act to add Chapter 2.92 (commencing with Section 1001.85) of Title 6 of Part 2 of the Penal Code, relating to diversion.

LEGISLATIVE COUNSEL'S DIGEST

SB 1110, as introduced, Hancock. Law Enforcement Assisted Diversion.

Existing law authorizes a county to establish a pretrial diversion program for defendants who have been charged with a misdemeanor offense and authorizes other diversion programs, including for defendants with cognitive developmental disabilities, defendants in nonviolent drug cases, and traffic violations.

This bill would require the Board of State and Community Corrections to approve three counties for the establishment of a Law Enforcement Assisted Diversion (LEAD) pilot program. The bill would require the LEAD pilot programs to authorize designated officers to take a person for whom the officer has probable cause for arrest for specified controlled substances offenses, including possession of a controlled substance or other prohibited substance, or prostitution, to treatment programs and services in lieu of that arrest.

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. Chapter 2.92 (commencing with Section 1001.85)
- 2 is added to Title 6 of Part 2 of the Penal Code, to read:

CHAPTER 2.92. LAW ENFORCEMENT ASSISTED DIVERSION

1001.85. (a) The Board of State and Community Corrections shall approve three counties for the establishment of a Law Enforcement Assisted Diversion (LEAD) pilot program. Interested counties shall submit applications to the board, including information on the manner in which the program will operate in that county, as required by the board.

(b) LEAD pilot programs shall include both of the following:

(1) Authorization for designated peace officers to take a person for whom the officer has probable cause for arrest for any of the following offenses to a drug treatment facility or program for treatment, including detoxification and related services in lieu of that arrest:

(A) Possession for sale or transfer of a controlled substance or other prohibited substance where the circumstances indicate that the sale or transfer is intended to provide a subsistence living or to allow the person to obtain or afford drugs for his or her own consumption.

(B) Sale or transfer of a controlled substance or other prohibited substance where the circumstances indicate that the sale or transfer is intended to provide a subsistence living or to allow the person to obtain or afford drugs for his or her own consumption.

(C) Possession of a controlled substance or other prohibited substance.

(D) Being under the influence of a controlled substance or other prohibited substance.

(E) Being under the influence of alcohol and a controlled substance or other prohibited substance.

(2) Authorization for designated peace officers to take a person for whom the officer has probable cause for arrest for prostitution pursuant to subdivision (b) of Section 647, to an agency or entity that will provide services to that person in lieu of that arrest. Services pursuant to this paragraph may include, but are not limited to, housing, medical care, child care, treatment for alcohol or substance abuse, nutritional counseling and treatment, psychological counseling, employment, and employment training and education.

(c) The Legislature finds and declares that a program similar to the LEAD program has been demonstrated in Seattle, Washington

- 1 to lower recidivism of participants, increase cooperation by
- 2 participants in treatment and related programs, and significantly
- 3 reduce law enforcement and court costs.

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