

AMENDED IN SENATE APRIL 1, 1998

SENATE BILL

No. 1485

Introduced by Senator Rosenthal

February 4, 1998

~~An act to amend Section 5814 of the Welfare and Institutions Code, relating to mental health. An act to add Article 4 (commencing with Section 6045) to Chapter 5 of Title 7 of Part 3 of the Penal Code, relating to mentally ill criminal offenders, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1485, as amended, Rosenthal. ~~Mental health~~ *Mentally ill offender crime reduction grants.*

Under existing law, it is the duty of the Board of Corrections to make a study of the entire subject of crime, with particular reference to conditions in the State of California, including causes of crime, possible methods of prevention of crime, methods of detection of crime, and apprehension of criminals, methods of prosecution of persons accused of crime, and the entire subject of penology, including standards and training for correctional personnel, and to report its findings, its conclusions and recommendations to the Governor and the Legislature as required.

This bill would require the Board of Corrections to administer and award mentally ill offender crime reduction grants on a competitive basis to counties that expand or establish a continuum of swift, certain, and graduated responses to reduce crime and criminal justice costs related to

mentally ill offenders. The bill would require the board, in consultation with the Department of Mental Health and the Department of Drug and Alcohol Programs, to create an evaluation design for the grant program that will assess the effectiveness of the program in reducing crime and state and local criminal justice costs, and would require the board to submit an interim report and a final analysis to the Legislature. The bill would require funding for the program to be provided, upon appropriation by the Legislature, in the annual Budget Act.

The bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law establishes the Adult and Older Adult Mental Health System of Care Act and requires the act to be implemented only to the extent funds are appropriated in the Budget Act. Existing law requires available funds to be used first to maintain funding for existing programs in certain counties with any excess directed to expansion of the program to other qualifying counties.~~

~~This bill would also expressly require that the qualifying counties be interested.~~

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

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

1 ~~SECTION 1. Section 5814 of the Welfare and~~
 2 ~~Institutions Code is amended to read:~~

3 ~~5814. This part shall be implemented only to the~~
 4 ~~extent that funds are appropriated for purposes of this~~
 5 ~~part in the Budget Act. To the extent that funds are made~~
 6 ~~available, the first priority shall go to maintain funding for~~
 7 ~~the existing programs developed in Los Angeles,~~
 8 ~~Stanislaus, and Ventura Counties with any excess~~
 9 ~~directed to the expansion of the program to other~~
 10 ~~qualifying and interested counties.~~

11 *SECTION 1. The Legislature hereby finds and*
 12 *declares all of the following:*

13 *(a) County jail inmate populations nearly doubled*
 14 *between 1984 and 1996, from 43,000 to 72,000.*



1 *Court-ordered population caps have affected 25 counties*
2 *and represent 70 percent of the average daily population*
3 *in county jails. As a result of these caps and a lack of bed*
4 *space, more than 275,000 inmates had their jail time*
5 *eliminated or reduced in 1997.*

6 (b) *An estimated 7 to 15 percent of county jail inmates*
7 *are seriously mentally ill. Although an estimated forty*
8 *million dollars (\$40,000,000) per year is spent by counties*
9 *on mental health treatment within the institution, and*
10 *that figure is rising rapidly, there are few treatment and*
11 *intervention resources available to prevent recidivism*
12 *after mentally ill offenders are released into the*
13 *community. This leads to a cycle of rearrest and*
14 *reincarceration, contributing to jail overcrowding and*
15 *early releases, and often culminates in state prison*
16 *commitments.*

17 (c) *The Pacific Research Institute estimates that*
18 *annual criminal justice and law enforcement*
19 *expenditures for persons with serious mental illnesses*
20 *were between one billion two hundred million dollars*
21 *(\$1,200,000,000) and one billion eight hundred million*
22 *dollars (\$1,800,000,000) in 1993–94. The state cost in*
23 *1996–97 to incarcerate and provide mental health*
24 *treatment to a seriously mentally ill state prisoner is*
25 *between twenty-one thousand nine hundred*
26 *seventy-eight dollars (\$21,978) and thirty thousand six*
27 *hundred ninety-eight dollars (\$30,698) per year.*
28 *Estimates of the state prison population with mental*
29 *illness ranges from 8 to 20 percent.*

30 (d) *According to a 1993 study by state mental health*
31 *directors, the average estimated cost to provide*
32 *comprehensive mental health treatment to a severely*
33 *mentally ill person is seven thousand dollars (\$7,000) per*
34 *year, of which the state and county cost is four thousand*
35 *dollars (\$4,000) per year. The 1996 cost for integrated*
36 *mental health services for persons most difficult to treat*
37 *averages between fifteen thousand dollars (\$15,000) and*
38 *twenty thousand dollars (\$20,000) per year, of which the*
39 *state and county costs are between nine thousand dollars*



1 (\$9,000) and twelve thousand dollars (\$12,000) per
2 person.

3 (e) A 1997 study by the Department of Mental Health
4 of 3,000 seriously mentally ill persons found that less than
5 2 percent of the persons receiving regular treatment
6 were arrested in the previous six months, indicating that
7 crimes and offenses are caused by those not receiving
8 treatment. Another study of 85 persons with serious
9 mental illness in the Los Angeles County Jail found that
10 only three of the persons were under conservatorship at
11 the time of their arrest, and only two had ever received
12 intensive treatment. Another study of 500 mentally ill
13 persons charged with crimes in San Francisco found that
14 94 percent were not receiving mental health treatment
15 at the time the crimes were committed.

16 (f) Research indicates that a continuum of responses
17 for mentally ill offenders that includes prevention,
18 intervention, and incarceration can reduce crime, jail
19 overcrowding, and criminal justice costs.

20 (g) Therefore, it is the intent of the Legislature that
21 grants shall be provided to counties that develop and
22 implement a comprehensive, cost-effective strategy to
23 reduce the rate of crime and offenses committed by
24 persons with serious mental illness.

25 SEC. 2. Article 4 (commencing with Section 6045) is
26 added to Chapter 5 of Title 7 of Part 3 of the Penal Code,
27 to read:

28
29 *Article 4. Mentally Ill Offender Crime Reduction*
30 *Grants*

31
32 6045. The Board of Corrections shall administer and
33 award mentally ill offender crime reduction grants on a
34 competitive basis to counties that expand or establish a
35 continuum of swift, certain, and graduated responses to
36 reduce crime and criminal justice costs related to
37 mentally ill offenders, as defined in subdivisions (a), (b),
38 and (c) of Section 5600.3 of the Welfare and Institutions
39 Code.



1 6045.2. (a) To be eligible for a grant, each county
2 shall establish a strategy committee that shall include, at
3 a minimum, the sheriff, who shall chair the committee,
4 representatives from other local law enforcement
5 agencies, the chief probation officer, the county mental
6 health director, and representatives from organizations
7 that can provide, or have provided, treatment or stability,
8 including income, housing, and caretaking, for persons
9 with mental illnesses.

10 (b) The committee shall develop a comprehensive
11 strategy for providing a cost-effective continuum of
12 graduated responses, including prevention, intervention,
13 and incarceration, for mentally ill offenders. Strategies
14 for prevention and intervention shall include, but are not
15 limited to, both of the following:

16 (1) Mental health or substance abuse treatment for
17 mentally ill offenders who have been released from law
18 enforcement custody.

19 (2) The establishment of long-term stability for
20 mentally ill offenders who have been released from law
21 enforcement custody, including a stable source of
22 income, a safe and decent residence, and a conservator or
23 caretaker.

24 (c) The strategy shall include performance measures
25 and annual reporting that will allow the Board of
26 Corrections to evaluate, at a minimum, the effectiveness
27 of the strategies in reducing:

28 (1) Crime and offenses committed by mentally ill
29 offenders.

30 (2) Criminal justice costs related to mentally ill
31 offenders.

32 (3) The number of early releases due to jail
33 overcrowding.

34 6045.4. The Board of Corrections, in consultation with
35 the Department of Mental Health, and the Department
36 of Drug and Alcohol Programs, shall award grants that
37 provide funding for four years. Funding shall be used to
38 supplement, rather than supplant, existing programs. No
39 grant shall be awarded unless the applicant makes
40 available resources in an amount equal to at least 25

1 percent of the amount of the grant. Resources may
2 include in-kind contributions from participating
3 agencies. In awarding grants, priority shall be given to
4 those proposals which include additional funding that
5 exceeds 25 percent of the amount of the grant.

6 6045.6 The Board of Corrections, in consultation with
7 the Department of Mental Health and the Department
8 of Drug and Alcohol Programs, shall establish minimum
9 standards, funding schedules, and procedures for
10 awarding grants, which shall take into consideration, but
11 not be limited to, all of the following:

12 (a) Size of the incarcerated population with severe
13 mental illness that will be released from custody between
14 1998 and 2002.

15 (b) Demonstrated ability to administer the program.

16 (c) Demonstrated ability to develop effective
17 responses to provide treatment and stability for persons
18 with severe mental illness.

19 (d) Demonstrated history of maximizing federal,
20 state, local, and private funding sources.

21 (e) Likelihood that the program will continue to
22 operate after state grant funding ends.

23 6045.8. The Board of Corrections, in consultation with
24 the Department of Mental Health and the Department
25 of Drug and Alcohol Programs, shall create an evaluation
26 design for mentally ill offender crime reduction grants
27 that will assess the effectiveness of the program in
28 reducing crime and state and local criminal justice costs.
29 The board shall develop an interim report to be
30 submitted to the Legislature on or before March 1, 2002,
31 and a final analysis of the grant program in a report to be
32 submitted to the Legislature on or before March 1, 2004.

33 6046. Funding for mentally ill offender crime
34 reduction grants shall be provided, upon appropriation
35 by the Legislature, in the annual Budget Act. Up to 5
36 percent of the amount appropriated in the budget may
37 be available for the board to administer this program,
38 including technical assistance to counties and the
39 development of an evaluation component.



1 *SEC. 3. This act is an urgency statute necessary for the*
2 *immediate preservation of the public peace, health, or*
3 *safety within the meaning of Article IV of the*
4 *Constitution and shall go into immediate effect. The facts*
5 *constituting the necessity are:*

6 *To enable counties to implement, as soon as possible,*
7 *cost-effective strategies to reduce crime and offenses by*
8 *mentally ill offenders, it is necessary that this act take*
9 *effect immediately.*

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