

AMENDED IN SENATE MAY 5, 1998
AMENDED IN SENATE APRIL 1, 1998

SENATE BILL

No. 1485

Introduced by Senator Rosenthal
(Principal coauthor: Senator Rainey)
(Coauthor: Senator McPherson)

February 4, 1998

An act to add *and repeal* Article 4 (commencing with Section 6045) ~~to~~ of 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. 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, *until January 1, 2005*, 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 *State* Department of Mental Health and the *State* Department of ~~Drug and Alcohol~~ *and Drug* 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 *annual reports*, 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.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. The Legislature hereby finds and
 2 declares all of the following:
 3 (a) County jail inmate populations nearly doubled
 4 between 1984 and 1996, from 43,000 to 72,000.
 5 Court-ordered population caps have affected 25 counties
 6 and represent 70 percent of the average daily population
 7 in county jails. As a result of these caps and a lack of bed
 8 space, more than 275,000 inmates had their jail time
 9 eliminated or reduced in 1997.
 10 (b) An estimated 7 to 15 percent of county jail inmates
 11 are seriously mentally ill. Although an estimated forty
 12 million dollars (\$40,000,000) per year is spent by counties
 13 on mental health treatment within the institution, and
 14 that figure is rising rapidly, there are few treatment and
 15 intervention resources available to prevent recidivism
 16 after mentally ill offenders are released into the
 17 community. This leads to a cycle of rearrest and
 18 reincarceration, contributing to jail overcrowding and
 19 early releases, and often culminates in state prison
 20 commitments.



1 (c) The Pacific Research Institute estimates that
2 annual criminal justice and law enforcement
3 expenditures for persons with serious mental illnesses
4 were between one billion two hundred million dollars
5 (\$1,200,000,000) and one billion eight hundred million
6 dollars (\$1,800,000,000) in 1993–94. The state cost in
7 1996–97 to incarcerate and provide mental health
8 treatment to a seriously mentally ill state prisoner is
9 between twenty-one thousand nine hundred
10 seventy-eight dollars (\$21,978) and thirty thousand six
11 hundred ninety-eight dollars (\$30,698) per year.
12 Estimates of the state prison population with mental
13 illness ranges from 8 to 20 percent.

14 (d) According to a 1993 study by state mental health
15 directors, the average estimated cost to provide
16 comprehensive mental health treatment to a severely
17 mentally ill person is seven thousand dollars (\$7,000) per
18 year, of which the state and county cost is four thousand
19 dollars (\$4,000) per year. The 1996 cost for integrated
20 mental health services for persons most difficult to treat
21 averages between fifteen thousand dollars (\$15,000) and
22 twenty thousand dollars (\$20,000) per year, of which the
23 state and county costs are between nine thousand dollars
24 (\$9,000) and twelve thousand dollars (\$12,000) per
25 person.

26 (e) A 1997 study by the *State* Department of Mental
27 Health of 3,000 seriously mentally ill persons found that
28 less than 2 percent of the persons receiving regular
29 treatment were arrested in the previous six months,
30 indicating that crimes and offenses are caused by those
31 not receiving treatment. Another study of 85 persons with
32 serious mental illness in the Los Angeles County Jail
33 found that only three of the persons were under
34 conservatorship at the time of their arrest, and only two
35 had ever received intensive treatment. Another study of
36 500 mentally ill persons charged with crimes in San
37 Francisco found that 94 percent were not receiving
38 mental health treatment at the time the crimes were
39 committed.



1 (f) Research indicates that a continuum of responses
2 for mentally ill offenders that includes prevention,
3 intervention, and incarceration can reduce crime, jail
4 overcrowding, and criminal justice costs.

5 (g) Therefore, it is the intent of the Legislature that
6 grants shall be provided to counties that develop and
7 implement a comprehensive, cost-effective strategy to
8 reduce the rate of crime and offenses committed by
9 persons with serious mental illness.

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

13
14 Article 4. Mentally Ill Offender Crime Reduction
15 Grants
16

17 6045. The Board of Corrections shall administer and
18 award mentally ill offender crime reduction grants on a
19 competitive basis to counties that expand or establish a
20 continuum of swift, certain, and graduated responses to
21 reduce crime and criminal justice costs related to
22 mentally ill offenders, as defined in subdivisions (a), (b),
23 and (c) of Section 5600.3 of the Welfare and Institutions
24 Code.

25 6045.2. (a) To be eligible for a grant, each county
26 shall establish a strategy committee that shall include, at
27 a minimum, the sheriff *or director of the county*
28 *department of corrections in a county where the sheriff*
29 *is not in charge of administering the county jail system,*
30 who shall chair the committee, representatives from
31 other local law enforcement agencies, the chief probation
32 officer, the county mental health director, *a client of a*
33 *mental health treatment facility,* and representatives
34 from organizations that can provide, or have provided,
35 treatment or stability, including income, housing, and
36 caretaking, for persons with mental illnesses.

37 (b) The committee shall develop a comprehensive
38 strategy for providing a cost-effective continuum of
39 graduated responses, including prevention, intervention,
40 and incarceration, for mentally ill offenders. Strategies



1 for prevention and intervention shall include, but are not
2 limited to, both of the following:

3 (1) Mental health or substance abuse treatment for
4 mentally ill offenders who have been released from law
5 enforcement custody.

6 (2) The establishment of long-term stability for
7 mentally ill offenders who have been released from law
8 enforcement custody, including a stable source of
9 income, a safe and decent residence, and a conservator or
10 caretaker.

11 (c) The strategy shall include performance measures
12 and annual reporting that will allow the Board of
13 Corrections to evaluate, at a minimum, the effectiveness
14 of the strategies in reducing:

15 (1) Crime and offenses committed by mentally ill
16 offenders.

17 (2) Criminal justice costs related to mentally ill
18 offenders.

19 (3) The number of early releases due to jail
20 overcrowding.

21 6045.4. The Board of Corrections, in consultation with
22 the *State* Department of Mental Health, and the *State*
23 Department of ~~Drug and Alcohol~~ *Alcohol and Drug*
24 Programs, shall award grants that provide funding for
25 four years. Funding shall be used to supplement, rather
26 than supplant, existing programs. No grant shall be
27 awarded unless the applicant makes available resources
28 in an amount equal to at least 25 percent of the amount
29 of the grant. Resources may include in-kind contributions
30 from participating agencies. In awarding grants, priority
31 shall be given to those proposals which include additional
32 funding that exceeds 25 percent of the amount of the
33 grant.

34 6045.6. The Board of Corrections, in consultation with
35 the *State* Department of Mental Health and the *State*
36 Department of ~~Drug and Alcohol~~ *Alcohol and Drug*
37 Programs, shall establish minimum standards, funding
38 schedules, and procedures for awarding grants, which
39 shall take into consideration, but not be limited to, all of
40 the following:



1 (a) Size of the incarcerated population with severe
2 mental illness that will be released from custody between
3 1998 and 2002.

4 (b) Demonstrated ability to administer the program.

5 (c) Demonstrated ability to develop effective
6 responses to provide treatment and stability for persons
7 with severe mental illness.

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

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

12 6045.8. The Board of Corrections, in consultation with
13 the *State* Department of Mental Health and the *State*
14 Department of ~~Drug and Alcohol~~ *Alcohol and Drug*
15 Programs, shall create an evaluation design for mentally
16 ill offender crime reduction grants that will assess the
17 effectiveness of the program in reducing crime and state
18 and local criminal justice costs. *Commencing on June 30,*
19 *2000, and annually thereafter, the board shall submit a*
20 *report to the Legislature.* The board shall develop an
21 interim report to be submitted to the Legislature on or
22 before March 1, 2002, and a final analysis of the grant
23 program in a report to be submitted to the Legislature on
24 or before March 1, 2004.

25 6045.9. *This article shall remain in effect only until*
26 *January 1, 2005, and as of that date is repealed, unless a*
27 *later enacted statute, that is enacted before January 1,*
28 *2005, deletes or extends that date.*

29 6046. Funding for mentally ill offender crime
30 reduction grants shall be provided, upon appropriation
31 by the Legislature, in the annual Budget Act. Up to 5
32 percent of the amount appropriated in the budget may
33 be available for the board to administer this program,
34 including technical assistance to counties and the
35 development of an evaluation component.

36 SEC. 3. This act is an urgency statute necessary for the
37 immediate preservation of the public peace, health, or
38 safety within the meaning of Article IV of the
39 Constitution and shall go into immediate effect. The facts
40 constituting the necessity are:



1 To enable counties to implement, as soon as possible,
2 cost-effective strategies to reduce crime and offenses by
3 mentally ill offenders, it is necessary that this act take
4 effect immediately.

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