

ASSEMBLY BILL

No. 1693

**Introduced by Assembly Members Hagman and Ma
(Coauthors: Assembly Members Knight, Morrell, and Valadao)**

February 15, 2012

An act to add Section 7227.1 to the Welfare and Institutions Code, relating to mental health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1693, as introduced, Hagman. Mental health: persons incompetent to stand trial: pilot program expansion.

Existing law establishes the State Department of Mental Health, provides for the administration of state hospitals by the department, and provides for the involuntary confinement of certain individuals in those state hospitals, including persons who have been found incompetent to stand trial.

This bill would authorize the department to expand a specified pilot program to establish competency restoration programs in prescribed counties, to provide treatment in county jails to individuals found incompetent to stand trial, and who have not been committed to a state hospital. By requiring specified counties to participate in the pilot program if it is expanded, the bill would impose a state-mandated local program.

This bill would make legislative findings and declarations as to the necessity of a special statute for competency restoration programs in Los Angeles County, San Diego County, and Kern County.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

- 1 SECTION 1. Section 7227.1 is added to the Welfare and
2 Institutions Code, to read:
3 7227.1. (a) The State Department of Mental Health may
4 expand the pilot program originally authorized pursuant to
5 Provision 8 of Item 4440-011-0001 of Section 2.00 of the Budget
6 Act of 2007 to establish competency restoration programs in Los
7 Angeles County, San Diego County, Kern County, and any other
8 county that voluntarily chooses to participate in the pilot program,
9 to provide appropriate treatment in county jails to individuals found
10 incompetent to stand trial (ISTs), and who have not been committed
11 to a state hospital.
12 (b) If the department expands the pilot program as described in
13 subdivision (a), Los Angeles County, San Diego County, and Kern
14 County shall cooperate with the department as necessary to
15 establish the competency restoration programs in those counties.
16 (c) Competency restoration programs established pursuant to
17 this section shall include, but not be limited to, the following
18 elements:
19 (1) Objective competency assessment upon admission.
20 (2) Individualized treatment programs.
21 (3) Multimodal, experiential competency educational
22 experiences.
23 (4) An educational component addressing the criminal justice
24 system, including, but not limited to, various charges and their
25 severity, sentencing, pleas, roles of courtroom personnel, the
26 adversarial nature of the trial process, and evaluating evidence.
27 (5) Additional educational components for individuals with
28 specific knowledge deficits.
29 (6) Periodic reassessment of competency.
30 (7) Medication treatment.
31 (8) Capacity and involuntary treatment assessment.

1 (d) Admissions criteria for competency restoration programs
2 established pursuant to this section shall be coordinated through
3 the department, with initial priority given to ISTs most likely to
4 be restored to competency in the selected treatment environment.

5 SEC. 2. The Legislature finds and declares that a special law
6 is necessary and that a general law cannot be made applicable
7 within the meaning of Section 16 of Article IV of the California
8 Constitution because of the historically long waiting lists of ISTs
9 in Los Angeles County, San Diego County, and Kern County,
10 which expose the state and counties to potential future court
11 involvement from delays in the treatment of ISTs held in county
12 jail longer than recommended by the courts.

13 SEC. 3. If the Commission on State Mandates determines that
14 this act contains costs mandated by the state, reimbursement to
15 local agencies and school districts for those costs shall be made
16 pursuant to Part 7 (commencing with Section 17500) of Division
17 4 of Title 2 of the Government Code.