

AMENDED IN ASSEMBLY MARCH 18, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 1443

Introduced by Assembly Member McCarty

February 19, 2021

An act to amend Section 5001 of 5154 of, and to add Section 5150.3 to, the Welfare and Institutions Code, relating to mental health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1443, as amended, McCarty. Mental health: *involuntary* treatment.

Existing law, the Lanterman-Petris-Short Act, provides for the involuntary detention and treatment of persons with specified mental health disorders for the protection of the persons committed. *disorders*. Under the act, when a person, as a result of a mental health disorder, is a danger to others, or to themselves, or gravely disabled, the person may, upon probable cause, be taken into custody and placed in a facility designated by the county and approved by the State Department of Social Services for up to 72 hours for evaluation and treatment. Existing law requires a person admitted to a facility for 72-hour treatment and evaluation under the act to receive an evaluation as soon as possible after admission and to receive whatever treatment and care their condition requires for the period that the person is held. Other existing law, the Children's Civil Commitment and Mental Health Treatment Act of 1988, provides additional procedural protections and requirements during those 72 hours for minors with mental health disorders who are involuntarily detained. Existing law requires these two acts to be construed to promote specified legislative intent, including providing prompt evaluation and treatment and guaranteeing and protecting public safety. Existing law authorizes specified individuals to take a person

into custody pursuant to these provisions, including designated members of a mobile crisis team and professional persons designated by the county.

~~This bill would make technical, nonsubstantive changes to that provision relating to legislative intent.~~

This bill would require a county to develop a training relating to taking, or causing to be taken, a person into custody pursuant to those provisions and would require a county to develop a written policy regarding designating members of a mobile crisis team and designating professional persons to take, or cause to be taken, a person into custody pursuant to those provisions. The bill would require the policy to contain specified components, including, among others, the process to receive that designation. The bill would also exempt an employee of a municipality who is a member of a mobile crisis team or a professional person, has been designated by the county, and is responsible for the detainment of the person from civil or criminal liability for any action by a person released at or before the end of the 72-hour detention. By imposing new duties on counties, this bill would impose a state-mandated local program.

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 the statutory provisions noted above.

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

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

1 SECTION 1. Section 5150.3 is added to the Welfare and
2 Institutions Code, to read:

3 5150.3. (a) A county shall develop a training relating to taking,
4 or causing to be taken, a person into custody pursuant to Section
5 5150.

6 (b) A county shall develop a written policy regarding
7 designating members of a mobile crisis team and designating
8 professional persons to take, or cause to be taken, individuals into

1 *custody pursuant to Section 5150. The policy shall address, at a*
2 *minimum, the requirements an individual must satisfy, and the*
3 *process, to receive that designation. The policy shall require the*
4 *county to designate individuals employed by a municipality within*
5 *the county who are members of a mobile crisis team or professional*
6 *persons to take, or cause to be taken, individuals into custody*
7 *pursuant to Section 5150 if all of the following are true:*

8 (1) *The municipality submits a written request to the county.*

9 (2) *The individuals meet the requirements for designation*
10 *included in the policy.*

11 (3) *The individuals have completed the training developed*
12 *pursuant to subdivision (a).*

13 (4) *The county does not have good cause to deny the request.*

14 SEC. 2. *Section 5154 of the Welfare and Institutions Code is*
15 *amended to read:*

16 5154. (a) Notwithstanding Section 5113, if the provisions of
17 Section 5152 have been met, the professional person in charge of
18 the facility providing 72-hour treatment and evaluation, ~~his or her~~
19 *their* designee, the medical director of the facility or ~~his or her~~
20 *their* designee described in Section 5152, the psychiatrist directly
21 responsible for the person's treatment, or the psychologist shall
22 not be held civilly or criminally liable for any action by a person
23 released before the end of 72 hours pursuant to this article.

24 (b) The professional person in charge of the facility providing
25 72-hour treatment and evaluation, ~~his or her~~ *their* designee, the
26 medical director of the facility or ~~his or her~~ *their* designee described
27 in Section 5152, the psychiatrist directly responsible for the
28 person's treatment, or the psychologist shall not be held civilly or
29 criminally liable for any action by a person released at the end of
30 the 72 hours pursuant to this article.

31 (c) The peace officer responsible for the detainment of the
32 person shall not be civilly or criminally liable for any action by a
33 person released at or before the end of the 72 hours pursuant to
34 this article.

35 (d) *An employee of a municipality who is a member of a mobile*
36 *crisis team or a professional person, has been designated by the*
37 *county pursuant to Section 5150.3, and is responsible for the*
38 *detainment of the person shall not be civilly or criminally liable*
39 *for any action by a person released at or before the end of the 72*
40 *hours pursuant to this article.*

1 (d)

2 (e) The amendments to this section made by Assembly Bill 348
3 of the 2003–04 Regular Session shall not be construed to revise
4 or expand the scope of practice of psychologists, as defined in
5 Chapter 6.6 (commencing with Section 2900) of Division 2 of the
6 Business and Professions Code.

7 *SEC. 3. If the Commission on State Mandates determines that
8 this act contains costs mandated by the state, reimbursement to
9 local agencies and school districts for those costs shall be made
10 pursuant to Part 7 (commencing with Section 17500) of Division
11 4 of Title 2 of the Government Code.*

12 SECTION 1. ~~Seetion 5001 of the Welfare and Institutions Code~~
13 is amended to read:

14 5001. ~~The provisions of this part and Part 1.5 (commenceng
15 with Seetion 5585) shall be construed to promote the legislative
16 intent, as follows:~~

17 (a) ~~To end the inappropriate, indefinite, and involuntary
18 eommitment of persons with mental health disorders,
19 developmental disabilities, and chronic alcoholism, and to eliminate
20 legal disabilities.~~

21 (b) ~~To provide prompt evaluation and treatment of persons with
22 mental health disorders or who are impaired by chronic alcoholism.~~

23 (c) ~~To guarantee and proteet public safety.~~

24 (d) ~~To safeguard individual rights through judicial review.~~

25 (e) ~~To provide individualized treatment, supervision, and
26 placement services by a conservatorship program for persons who
27 are gravely disabled.~~

28 (f) ~~To encourage the full use of all existing agencies,
29 professional personnel, and public funds to accomplish these
30 objectives, and to prevent duplication of serviees and unnecessary
31 expenditures.~~

32 (g) ~~To protect persons with mental health disorders and
33 developmental disabilities from criminal acts.~~

34 (h) ~~To provide consistent standards for protection of the personal
35 rights of persons receiving services under this part and under Part
36 1.5 (commencing with Seetion 5585).~~

- 1 (i) To provide services in the least restrictive setting appropriate
- 2 to the needs of each person receiving services under this part and
- 3 under Part 1.5 (commencing with Section 5585).

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