

AMENDED IN ASSEMBLY MARCH 18, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 741

Introduced by Assembly Member Bennett

February 16, 2021

An act to add Sections 4024.5 and 4024.6 to the Penal Code, relating to jails.

LEGISLATIVE COUNSEL'S DIGEST

AB 741, as amended, Bennett. Jails: discharge plan.

Existing law authorizes a county sheriff to discharge a person from a county jail at any time on the last day that the person may be confined that the sheriff considers to be in the best interests of that person. Existing law additionally authorizes a sheriff to offer a voluntary program to a person, upon completion of a sentence served or a release ordered by the court to be effected the same day, that would allow the person to stay in jail for up to 16 additional hours or until normal business hours, whichever is shorter, in order to offer the person the ability to be discharged to a treatment center or during daytime hours, as specified. Existing law authorizes the person to revoke consent and be discharged as soon as possible and practicable. *Existing law requires a sheriff offering this program to, whenever possible, allow the person to make a telephone call to arrange for transportation or to notify a bail agent, as specified.*

~~This bill would declare the intent of the Legislature to enact legislation that would create effective discharge plans for individuals with mental illness in county jails, and that would ensure that those plans are collaboratively developed in each county by specified individuals, including representatives of the court.~~

This bill would require a sheriff to make the release standards, release processes, and release schedules of a county jail available to incarcerated persons, as specified. The bill would additionally grant a person incarcerated in, or recently released from, a county jail up to 3 free telephone calls from a telephone in the county jail to plan for a safe and successful release.

This bill would additionally require each county sheriff to convene a mentally ill discharge plans advisory group, including representatives from the court, county behavioral health departments, law enforcement, and nonprofit organizations serving mentally ill individuals who have been incarcerated. The bill would require the advisory group to, on or before July 1, 2023, meet and make recommendations to the sheriff and county board of supervisors on the establishment of county jail discharge plans for individuals with mental illness, as specified.

Because this bill would impose new duties on sheriffs and county jails, it 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 4024.5 is added to the Penal Code, to
2 read:
3 4024.5. (a) The rights established in this section apply to any
4 person being released from a county jail, including, but not limited
5 to, a person who has completed a sentence served, been ordered
6 by the court to be released, been released on the person’s own
7 recognizance, been released because the charges have been
8 dismissed by the court, is acquitted by a jury, is cited and released
9 on a misdemeanor charge, has posted bail, has complied with
10 pretrial release conditions, or has had the charges dropped by the
11 prosecutor.

1 (b) (1) *The sheriff shall make the release standards, release*
2 *processes, and release schedules of a county jail available to a*
3 *person when the person is booked into a county jail and while*
4 *incarcerated in a county jail.*

5 (2) *The release standards shall include the list of rights*
6 *enumerated in this section and the timeframe for the expedient*
7 *release of a person following the determination to release that*
8 *person by a judge, jury, or appropriate county staff member.*

9 (c) *A person incarcerated in, or recently released from, a county*
10 *jail shall have access to up to three free telephone calls from a*
11 *telephone in the county jail to plan for a safe and successful*
12 *release.*

13 *SEC. 2. Section 4024.6 is added to the Penal Code, to read:*

14 *4024.6. (a) Each county sheriff shall convene a mentally ill*
15 *discharge plans advisory group, which shall include*
16 *representatives from the court, county behavioral health*
17 *departments, law enforcement, and nonprofit organizations serving*
18 *mentally ill individuals who have been incarcerated.*

19 *(b) Members of these county advisory groups shall have*
20 *expertise in providing services to mentally ill individuals.*

21 *(c) On or before July 1, 2023, the advisory group shall meet*
22 *and make recommendations to the sheriff and county board of*
23 *supervisors on the establishment of county jail discharge plans*
24 *for individuals with mental illness incarcerated for a period*
25 *exceeding 30 days and the plans shall, at a minimum, address all*
26 *of the following:*

27 *(1) Preenrollment into Medi-Cal and other county and federal*
28 *assistance services.*

29 *(2) Access to medications and mental and substance abuse*
30 *counseling upon the incarcerated individual's release.*

31 *(3) Availability and access to housing.*

32 *(4) Transportation from the county jail to a safe location.*

33 *SEC. 3. If the Commission on State Mandates determines that*
34 *this act contains costs mandated by the state, reimbursement to*
35 *local agencies and school districts for those costs shall be made*
36 *pursuant to Part 7 (commencing with Section 17500) of Division*
37 *4 of Title 2 of the Government Code.*

38 ~~SECTION 1. It is the intent of the Legislature to enact~~
39 ~~legislation that would do both of the following:~~

- 1 ~~(a) Create effective discharge plans for individuals with mental~~
- 2 ~~illness in county jails.~~
- 3 ~~(b) Ensure that those plans are collaboratively developed in~~
- 4 ~~each county by representatives of the court and law enforcement,~~
- 5 ~~mental health professionals, and other stakeholders.~~