

Senate Bill No. 578

Passed the Senate September 3, 2021

Secretary of the Senate

Passed the Assembly September 2, 2021

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2021, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 5118 of the Welfare and Institutions Code, relating to mental health.

LEGISLATIVE COUNSEL'S DIGEST

SB 578, Jones. Lanterman-Petris-Short Act: hearings.

Existing law, the Lanterman-Petris-Short Act, authorizes the involuntary commitment and treatment of persons with specified mental health disorders for the protection of the persons so committed, and authorizes a conservator of the person, of the estate, or of the person and the estate to be appointed for a person who is gravely disabled as a result of a mental health disorder or impairment by chronic alcoholism, and designates procedures for hearing a petition for that purpose. Existing law authorizes a party to a hearing under the act to demand that the hearing be public, and be held in a place suitable for attendance by the public.

This bill would require a hearing held under the act to be presumptively closed to the public if that hearing involves the disclosure of confidential information. The bill would authorize the individual who is the subject of the proceeding to demand that the hearing be public, and be held in a place suitable for attendance by the public. The bill would also authorize a judge, hearing officer, or other person conducting the hearing to grant a request by any other party to the proceeding to make the hearing public if the judge, hearing officer, or other person conducting the hearing finds that the public interest in an open hearing clearly outweighs the individual's interest in privacy. The bill would define "hearing" for these purposes to mean any proceeding conducted under the act, as specified.

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

SECTION 1. Section 5118 of the Welfare and Institutions Code is amended to read:

5118. (a) For the purpose of conducting hearings under this part, the court in and for the county where the petition is filed may be convened at any time and place within or outside the county

suitable to the mental and physical health of the patient, and receive evidence both oral and written, and render decisions, except that the time and place for hearing shall not be different from the time and place for the trial of civil actions for such court if any party to the proceeding, prior to the hearing, objects to the different time or place.

(b) Hearings conducted at a state hospital or a mental health facility designated by a county as a treatment facility under this part or any facility referred to in Section 5358 or Division 7 (commencing with Section 7100), within or outside the county, shall be deemed to be hearings held in a place for the trial of civil actions and in a regular courtroom of the court.

(c) (1) Notwithstanding any other law, and except as otherwise provided in this subdivision, a hearing held under this part is presumptively closed to the public if that hearing involves the disclosure of confidential information.

(2) The individual who is the subject of the proceeding may demand that the hearing be public, and be held in a place suitable for attendance by the public.

(3) The individual who is the subject of the proceeding may also request the presence of any family member or friend without waiving the right to keep the hearing closed to the rest of the public.

(4) A request by any other party to the proceeding to make the hearing public may be granted if the judge, hearing officer, or other person conducting the hearing finds that the public interest in an open hearing clearly outweighs the individual's interest in privacy.

(5) Before commencing a hearing, the judge, hearing officer, or other person conducting the hearing shall inform the individual who is the subject of the proceeding of their rights under this section.

(d) As used in this section, "hearing" means any proceeding conducted under this part, including, but not limited to, conservatorship and other hearings held pursuant to Chapter 3 (commencing with Section 5350), certification review hearings, and jury trials.

Approved _____, 2021

Governor