

# Legislative Summary Report



## 2015 Legislative Year

2015 Legislation Affecting the  
Department of State Hospitals

**STATE OF CALIFORNIA**

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## INTRODUCTION

This Legislative Summary focuses on all legislation introduced or enacted in the 2015 legislative year that affected the Department of State Hospitals (DSH).

The DSH was established on July 1, 2012, and is the successor agency to the former Department of Mental Health (DMH). The DSH is responsible for the operation of the State Hospital system, as well as three forensic mental health programs: the Sex Offender Commitment Program, the Mentally Disordered Offender program, and the Forensic Conditional Release Program.

The DSH oversees the operation of eight state inpatient mental health facilities:

- Atascadero State Hospital (DSH-Atascadero)
- Coalinga State Hospital (DSH-Coalinga)
- Metropolitan State Hospital (DSH-Metropolitan LA)
- Napa State Hospital (DSH-Napa)
- Patton State Hospital (DSH-Patton)
- Salinas Valley Psychiatric Program (DSH-Salinas Valley)
- Stockton Psychiatric Program (DSH-Stockton)
- Vacaville Psychiatric Program (DSH-Vacaville)

In operating these programs and serving our patients, the DSH adheres to its core values, vision, mission, and goals:

**Core Values:** *Safety, Treatment, and Responsibility.*

**Vision:** *Caring Today for a Safe and Healthy Tomorrow.*

**Mission:** *Providing evaluation and treatment in a safe and responsible manner, seeking innovation and excellence in hospital operations, across a continuum of care and settings.*

**Goals:** *A safe environment; Responsible stewardship; Excellence in forensic evaluation; Excellence in treatment.*

For more information about the legislation summarized in this document, please contact the DSH Office of Legislation at (916) 654-2316. For more information about the establishment of the DSH, including the Department's values, vision, mission, or goals, please contact the DSH Director's Office at (916) 654-2309, or visit our Internet Web site at <http://www.dsh.ca.gov>.

## ACRONYMS COMMONLY USED

AB	Assembly Bill
ACR	Assembly Concurrent Resolution
DMH	Department of Mental Health
DSH	Department of State Hospitals
DSH-Atascadero	Atascadero State Hospital
DSH-Coalinga	Coalinga State Hospital
DSH-Metropolitan	Metropolitan State Hospital
DSH-Napa	Napa State Hospital
DSH-Patton	Patton State Hospital
DSH-Salinas Valley	Salinas Valley Psychiatric Program
DSH-Stockton	Stockton Psychiatric Program
DSH-Vacaville	Vacaville Psychiatric Program
SB	Senate Bill
SCR	Senate Concurrent Resolution

## SIGNED LEGISLATION

### Assembly

#### **AB 71 (Rodrigues)**

**Subject:** Criminal justice: reporting

**Status:** Chapter 462

**Effective Date:** January 1, 2017

**Summary:** This bill requires each law enforcement agency to annually furnish to the Department of Justice a report of specified incidents when a peace officer is involved in the use of force.

#### **AB 468 (Jones)**

**Subject:** Wards and Conservatees: mental health

**Status:** Chapter 117

**Effective Date:** January 1, 2016

**Summary:** This bill removes a requirement from the Probate Code that requires the Director of the Department of State Hospitals (DSH) to adopt and issue regulations defining "mental health treatment facility" for the purposes of committing wards or conservatees under a probate conservatorship to such a facility.

#### **AB 705 (Eggman)**

**Subject:** Psychologists: licensure exemption

**Status:** Chapter 218

**Effective Date:** January 1, 2016

**Summary:** This bill allows unlicensed individuals performing psychological activities within specified public settings, including state hospitals, to provide direct mental health services, provided that they are accumulating the supervised hours required for licensure and receive their license to practice psychology within five years.

#### **AB 1194 (Eggman)**

**Subject:** Mental health: involuntary commitment

**Status:** Chapter 570

**Effective Date:** January 1, 2016

**Summary:** This bill provides additional guidance for determining whether a person taken into custody by a county under Welfare and Institutions Code Section 5150, is a danger to himself/herself or others by requiring consideration of the person's mental health history, including but not limited to imminent or immediate risk of harm. The bill also requires that an application for detaining the person for evaluation and treatment contains information as to whether the person's mental health history was considered when determining probable cause for such detention.

**AB 1337 (Linder)****Subject:** Medical records: electronic delivery**Status:** Chapter 528**Effective Date:** January 1, 2016

**Summary:** This bill provides that, when a patient is a defendant in a pending legal action, upon the request of the patient or his/her attorney or representative (requesting party), a medical provider shall provide copies of a patient's records electronically, if such records are available in an electronic format. This bill also establishes a standard authorization form for medical providers to disclose health information to the requesting party.

**Senate****SB 11 (Beall)****Subject:** Peace officer training: mental health.**Status:** Chapter 468**Effective Date:** August 1, 2016- Implementation of the training module and continuing training course.

**Summary:** This bill requires the Commission on Peace Officer Standards and Training (POST) to review its existing basic training course relating to persons with a mental illness, intellectual disability, or substance use disorder in order to identify where additional training is needed, and requires POST to update and provide a course of instruction that is at least 15 hours long. The bill also requires POST to establish a behavioral health continuing education course relating to law enforcement interactions with persons with mental illness that is at least three hours long, and be made available to all patrol officers and supervisors. The bill requires POST to implement these requirements no later than August 1, 2016.

**SB 85 (Committee on Budget and Fiscal Review)****Subject:** Public Safety**Status:** Chapter 26**Effective Date:** July 1, 2015

**Summary:** This budget trailer bill eliminates the January 2016 sunset date authorizing county jails to be used for competency restoration treatment for IST defendants. This bill also adds newly required involuntary medication hearings for patients committed as Not Guilty by Reason of Insanity to those which currently require the county of commitment to be responsible for the non-treatment costs incurred by the state hospital's host county for conducting such a hearing. Finally, this bill adds a requirement for DSH to submit a written draft of policies and procedures for Enhanced Treatment Programs, at least 60 days prior to opening the Programs, to the appropriate legislative policy committees and the Joint Legislative Budget Committee.

**SB 361 (Hill)****Subject:** Antimicrobial stewardship: education and policies**Status:** Chapter 764**Effective Date:** All skilled nursing facilities, by no later than January 1, 2017, must adopt and implement an antimicrobial stewardship policy that is consistent with the antimicrobial stewardship guidelines developed by the federal Centers for Disease Control and Prevention, the federal Centers for Medicare and Medicaid Services, or specified professional organizations.**Summary:** This bill requires skilled nursing facilities (SNFs), including those at DSH state hospitals, to adopt and implement an antimicrobial stewardship policy (proper use of antibiotics) that is consistent with antimicrobial stewardship guidelines developed by the federal Centers for Disease Control and Prevention (CDC), the federal Centers for Medicare and Medicaid Services, the Society for Healthcare Epidemiology of America, or a similar recognized professional organization. This bill contains an urgency clause, meaning that it took effect immediately upon being signed by the Governor.**SB 453 (Pan)****Subject:** Prisons: involuntary medication**Status:** Chapter 260**Effective Date:** January 1, 2016**Summary:** This bill authorizes a treating psychiatrist for Incompetent to Stand Trial (IST) patients, if he or she determines that there is a need, based on preserving rapport with the patient or preventing harm, to request that a DSH state hospital facility medical director designate another psychiatrist to represent the treating psychiatrist for purposes of involuntary medication. If the medical director of the facility designates another psychiatrist, this bill requires the treating psychiatrist to brief the psychiatrist representing him/her of the relevant facts of the case and requires the psychiatrist representing the treating psychiatrist to examine the patient prior to the hearing.**SB 507 (Pavley)****Subject:** Sexually violent predators**Status:** Chapter 576**Effective Date:** January 1, 2016**Summary:** This bill requires an evaluator in a Sexually Violent Predator (SVP) case performing an updated evaluation on a criminal offender determined to be an SVP to include a statement listing the medical and psychological records reviewed by the evaluator, and directs the court in such cases to issue a subpoena, upon the request of either party to the civil commitment proceeding, for a certified copy of these records. The bill authorizes the attorneys to use the records in the commitment proceeding, but would prohibit disclosure of the records for any other purpose.



## VETOED LEGISLATION

### Assembly

#### **AB 193 (Maienschein)**

**Subject:** Mental health: conservatorship hearings

**Summary:** This bill would have created an additional route to a Lanterman-Petris-Short (LPS) conservatorship, by allowing a probate court to recommend a LPS conservatorship to a county conservatorship investigator for an individual that is already under a probate conservatorship, provided there is medical evidence to support this recommendation.

**Governor's Veto Message:** I am returning Assembly Bill 193 without my signature. This bill would authorize a probate court to order an investigation for a Lanterman-Petris-Short conservatorship for an individual currently under probate conservatorship. Currently, professionals in charge of county mental health facilities are responsible for recommending an investigation for a Lanterman-Petris-Short conservatorship. This bill bypasses the clinical expertise of these professionals and for that reason I can't support it.

## OTHER KEY LEGISLATION Affecting the Department of State Hospitals

### Senate

#### **SB 54 (Runner)**

**Subject:** Sex offenders: residency restriction: petition for relief

**Status:** Died in committee

**Summary:** Would have required that the current 2,000-foot sex offender residency restriction be measured by the shortest practical pedestrian or vehicle path for persons convicted of specified offenses. The person subject to the residency restriction would be permitted to petition the superior court of the county within which he or she resides for relief of the petition.

#### **SB 115 (Fuller)**

**Subject:** Valley fever

**Status:** Died in committee

**Summary:** Would have appropriated \$1,000,000 from the General Fund to the State Department of Public Health for the 2015–16 fiscal year, for purposes of extending the Valley Fever Vaccine Project.

#### **SB 224 (Liu)**

**Subject:** Elderly Parole Program

**Status:** Died in committee

**Summary:** Would have established the Elderly Parole Program, for prisoners who are 60 years of age or older and who have served a minimum of 25 years of their sentence. When considering the release of an inmate who meets these criteria, the bill would have required the Board of Parole Hearings to consider whether age, time served, and diminished physical condition, if any, have reduced the elderly prisoner's risk for future violence. The bill would have also required the Board of Parole Hearings to consider whether a prisoner would qualify for the program when determining the prisoner's next parole suitability hearing.

#### **SB 448 (Hueso)**

**Subject:** Sex offenders: Internet identifiers

**Status:** Died in committee

**Summary:** Would have deleted the requirement that a person subject to sex offender registration list on his or her sex offender registration all Internet service providers used by him or her. The bill would have required a person subject to sex offender registration *for a crime where the use of the Internet was essential to the commission of the crime* to list only those Internet identifiers actually used to participate in online communications.

## ADDITIONAL LEGISLATION

This section includes all bills that relate to mental health, public safety, and other general government issues, but may not affect DSH specifically.

### Assembly

#### **AB 85 (Wilk)**

**Subject:** Open meetings

**Status:** Vetoed

**Summary:** Would have specified that the definition of “state body” includes an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a state body that consists of 3 or more individuals, as prescribed, except a board, commission, committee, or similar multimember body on which a member of a body serves in his or her official capacity as a representative of that state body and that is supported, in whole or in part, by funds provided by the state body, whether the multimember body is organized and operated by the state body or by a private corporation.

**Governor’s Message:** I am returning Assembly Bill 85 without my signature. This bill expands the Bagley-Keene Open Meeting Act to include state advisory bodies, regardless of their size. My thinking on this matter has not changed from last year when I vetoed a similar measure, AB 2058. I believe strongly in transparency and openness but the more informal deliberation of advisory bodies is best left to current law.

#### **AB 172 (Rodriguez)**

**Subject:** Emergency departments: assaults and batteries

**Status:** Vetoed

**Summary:** Would have made an assault committed against a physician, nurse, or other health care worker of a hospital engaged in providing services within an emergency department punishable by imprisonment in a county jail not exceeding one year, by a fine not exceeding \$2,000, or by both that fine and imprisonment.

**Governor’s Message:** I am returning Assembly Bill 172 without my signature. This bill would increase from six months to one year in county jail the maximum punishment for assault or battery of a healthcare worker inside an emergency department. Emergency rooms are overcrowded and often chaotic. I have great respect for the work done by emergency room staff and I recognize the daunting challenges they face every day. If there were evidence that an additional six months in county jail (three months, once good-time credits are applied) would enhance the safety of these workers or serve as a deterrent, I would sign this bill. I doubt that it would do either. We need to find more creative ways to protect the safety of these critical workers. This bill isn't the answer.

**AB 178 (Bonilla)**

**Subject:** Board of Vocational Nursing and Psychiatric Technicians of the State of California: executive officer

**Status:** Chapter 429

**Effective Date:** October 2, 2015

**Summary:** The Vocational Nursing Practice Act and the Psychiatric Technicians Law, provides for the licensure and regulation of vocational nurses and psychiatric technicians by the Board of Vocational Nursing and Psychiatric Technicians of the State of California and requires the board to appoint an executive officer, who is a licensed vocational nurse, registered nurse, or psychiatric technician. Current law repeals that requirement on January 1, 2016. This bill removes the requirement that the executive officer be a licensed vocational nurse, registered nurse, or psychiatric technician.

**AB 293 (Levine)**

**Subject:** Prisons: inmate threats

**Status:** Chapter 195

**Effective Date:** Requires CDCR to provide training on the policy developed as part of its existing training programs and would require the policy to be fully implemented by July 1, 2016.

**Summary:** This bill requires the Department of Corrections and Rehabilitation to establish a statewide policy on operational procedures for the handling of threats made by inmates or wards, and threats made by family members of inmates or wards, against department staff. The policy is to include methods to ensure that departmental staff members are advised of threats made against them.

**AB 410 (Oberholte)**

**Subject:** Reports submitted to legislative committee

**Status:** Vetoed

**Summary:** Existing law requires a report required or requested by law to be submitted by a state or local agency to the Members of either house of the Legislature, generally, to be submitted in a specified manner, including, but not limited to, a requirement that a report submitted by a state agency be posted on the state agency's Internet Web site. This bill would have required a state agency to post on its Internet Web site any report it is required by law to submit to a committee of the Legislature, as specified. The bill would have specified that a "report" includes a study or audit, or a budget change proposal that has been approved by the Department of Finance and submitted to the Joint Legislative Budget Committee, the Assembly Committee on Budget, or the Senate Committee on Budget and Fiscal Review.

**Governor's Message:** I am returning Assembly Bill 410 without my signature. This bill requires the Department of Finance to post on its website all approved Budget Change Proposals and requires all state agencies to post on their website any report it submits to a committee of the legislature. I share the author's belief in

governmental transparency, but existing law already requires departments to post legislatively mandated reports online. Moreover, in January, the Department of Finance will have up and running a dedicated website for all approved Budget Change Proposals.

**AB 861 (Maienschein)**

**Subject:** Mental health: community-based services

**Status:** Vetoed

**Summary:** Would have required the State Department of Health Care Services to apply to the United States Secretary of Health and Human Services to be selected as a participating state in the time-limited demonstration program to receive enhanced federal matching funds for mental health services provided by certified community behavioral health clinics if the department applies for, and is awarded, a planning grant to develop its proposal to participate in the demonstration program. The bill would have required the department to work with counties and other stakeholders in developing its proposal.

**Governor's Message:** I am returning Assembly Bill 861 without my signature. This bill would require the Department of Health Care Services to mandate counties, as a condition of participation in a federal behavioral health demonstration program, to redirect a portion of any local savings to increasing housing opportunities for individuals with severe mental illness. The department has not been awarded the federal grant nor approved as one of eight states to participate in the federal demonstration program. As such, this bill is premature.

**AB 918 (Stone)**

**Subject:** Seclusion and restraint: developmental services: health facilities

**Status:** Chapter 340

**Effective Date:** January 1, 2016

**Summary:** This bill requires the State Department of Developmental Services to ensure the consistent, timely, and public reporting of data it receives from regional centers and other specified facilities regarding the use of physical or chemical restraint and to publish that information on its Internet Web site. This bill also requires regional center vendors that provide residential services or supported living services, as defined, to report each death or serious injury of a person occurring during, or related to, the use of seclusion, physical restraint, or chemical restraint, as specified.

**AB 1085 (Gatto)**

**Subject:** Personal representatives: conservators and attorneys-in-fact

**Status:** Chapter 92

**Effective Date:** January 1, 2016

**Summary:** Current law provides that the conservator's control of the conservatee shall not extend to personal rights retained by the conservatee, including, but not limited to, the right to receive visitors, telephone calls, and personal mail, unless specifically limited by a court order. This bill provides that a court order may be

issued that specifically grants the conservator the power to limit or enforce the conservatee's right to receive visitors, telephone calls, and personal mail.

**AB 1279 (Holden)**

**Subject:** Music therapy

**Status:** Vetoed

**Summary:** Would have prohibited a person who provides music therapy, as defined, from using the title of "Board Certified Music Therapist" unless the person has completed specified education and clinical training requirements. This bill would have also established that it is an unfair business practice for a person to use the title "Board Certified Music Therapist" if he or she does not meet those requirements.

**Governor's Message:** I am returning Assembly Bill 1279 without my signature. This bill establishes the "Music Therapy Act" and regulates when a person may use the title of "Board Certified Music Therapist." Generally, I have been very reluctant to add licensing or title statutes to the laws of California. This bill appears to be unnecessary as the Certification Board for Music Therapists, a private sector group, already has defined standards for board certification. Why have the state now add another violin to the orchestra?

**AB 1374 (Levine)**

**Subject:** Psychologist: licensure

**Status:** Chapter 529

**Effective Date:** January 1, 2016

**Summary:** This bill removes the reference to fees for services from the definition of the practice of psychology, thereby expanding that definition. The bill further modifies that definition to specify that the application of psychological principles and methods includes assessment, diagnosis, prevention, treatment, and intervention to increase effective functioning of individuals, groups, and organizations. This bill contains other related provisions and other existing laws.

**AB 1423 (Stone)**

**Subject:** Prisoners: medical treatment

**Status:** Chapter 381

**Effective Date:** January 1, 2016

**Summary:** This bill, except as provided, establishes a process for a licensed physician or dentist to file a petition with the Office of Administrative Hearings to request that an administrative law judge make a determination as to a patient's capacity to give informed consent or make a health care decision, and request appointment of a surrogate decision maker, if the patient is an adult housed in state prison, the physician or dentist is unable to obtain informed consent from the inmate patient because the physician or dentist determines that the inmate patient appears to lack capacity to provide informed consent or make a health care decision, and there is no person with legal authority to provide informed consent for, or make decisions concerning the health care of, the inmate patient.

## Senate

### **SB 675 (Liu)**

**Subject:** Hospitals: family caregivers

**Status:** Chapter 494

**Effective Date:** January 1, 2016

**Summary:** Existing law requires the State Department of Public Health to license and regulate health facilities, defined to mean a facility, place, or building that is organized, maintained, and operated for the diagnosis, care, prevention, and treatment of human illness, as specified. Existing law requires hospitals, among other things, to have a written discharge planning policy and process that requires appropriate arrangements to be made for post-hospital care. A violation of those provisions is a crime. This bill requires a hospital to take specified actions relating to family caregivers, including, among others, notifying the family caregiver of the patient's discharge or transfer to another facility and providing information and counseling regarding the post-hospital care needs of the patient, if the patient has consented to the disclosure of this information. By expanding the scope of a crime, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

### **SB 703 (Leno)**

**Subject:** Public contracts: prohibition: discrimination

**Status:** Chapter 578

**Effective Date:** January 1, 2016

**Summary:** This bill prohibits a state agency from entering into contracts for the acquisition of goods or services of \$100,000 or more with a contractor that discriminates between employees on the basis of gender identity in the provision of benefits, as specified.

### **SB 722 (Bates)**

**Subject:** Sex offenders: GPS monitoring: removal

**Status:** Vetoed

**Summary:** This bill would have made it a felony for a person to willfully remove or disable an electronic, global positioning system, or other monitoring device, if the device was affixed as a condition of parole, post-release community supervision, or probation as a result of a conviction of certain specified sex offenses, if the person intended to evade supervision and either does not surrender, or is not apprehended, within one week of the issuance of a warrant for absconding, punishable by imprisonment in the state prison for 16 months, or 2 or 3 years.

**Governor's Message:** I am returning the following nine bills without my signature: Assembly Bill 144 Assembly Bill 849 Senate Bill 168 Senate Bill 170 Senate Bill 271 Senate Bill 333 Senate Bill 347 Senate Bill 716 Senate Bill 722 Each of these bills creates a new crime usually by finding a novel way to characterize and criminalize conduct that is already proscribed. This multiplication and particularization of criminal behavior creates increasing complexity without

commensurate benefit. Over the last several decades, California's criminal code has grown to more than 5,000 separate provisions, covering almost every conceivable form of human misbehavior. During the same period, our jail and prison populations have exploded. Before we keep going down this road, I think we should pause and reflect on how our system of criminal justice could be made more human, more just and more cost-effective.

**SCR 7 (Fuller)**

**Subject:** Valley Fever Awareness Month

**Status:** Chapter 125

**Effective Date:** January 1, 2016

**Summary:** This measure declares August 2015 as Valley Fever Awareness Month.



**TWO-YEAR LEGISLATION**  
**Tracked by the Department of State Hospitals**

The following bills did not advance in 2015, but are eligible for consideration in 2016 as two-year legislation. Two-year legislation must clear its house of origin by January 31, 2016 to remain active.

**Assembly**

**AB 86 (McCarthy)**

**Subject:** Peace officers: Department of Justice: independent investigation

**Status:** Assembly Appropriations Committee

**Summary:** Would require the Attorney General to appoint a special prosecutor to direct an independent investigation if a peace officer, in the performance of his or her duties, uses deadly physical force upon another person and that person dies as a result of the use of that deadly physical force. The bill would grant the special prosecutor the sole authority to determine whether criminal charges should be filed. The bill would make the special prosecutor responsible for prosecuting any charges filed.

**AB 201 (Brough)**

**Subject:** Registered sex offenders: local ordinance

**Status:** Assembly Public Safety

**Summary:** Would state that a local agency is not preempted by state law from enacting and enforcing an ordinance that restricts a registered sex offender from residing or being present at certain locations within the local agency's jurisdiction. The bill would authorize a local agency to adopt ordinances, rules, or regulations that are more restrictive than state law relating to a registered sex offender's ability to reside or be present at certain locations within the local agency's jurisdiction.

**AB 222 (Achadjian)**

**Subject:** Vehicle records: confidential home address

**Status:** Senate Appropriations Committee

**Summary:** Current law prohibits the disclosure of the home addresses of certain public employees and officials that appear in records of the Department of Motor Vehicles, except to a court, a law enforcement agency, an attorney in a civil or criminal action under certain circumstances, and certain other official entities. This bill would extend that prohibition, subject to those same exceptions, to the disclosure of the home addresses of an employee of the Department of State Hospitals, as specified.

**AB 262 (Lackey)**

**Subject:** Sex offenders

**Status:** Assembly Public Safety Committee

**Summary:** This bill would require that Sexually Violent Predators (SVP) only reside in a location that is within 10 miles of a permanent physical police or sheriff

station that has jurisdiction over the location and has 24 -hour -a -day peace officer staffing on duty and available to respond to calls for service. The bill would prohibit SVPs from residing in a location owned by a person who has been convicted of a serious or violent felony.

**AB 373 (Medina)**

**Subject:** Peace officers: training

**Status:** Assembly Appropriations Committee

**Summary:** Would require each police chief, county sheriff, or other head of a law enforcement agency to assess his or her jurisdiction to determine if any Indian tribal lands, as defined, lie within the jurisdiction. The bill would require, if the police chief, county sheriff, or other head of a law enforcement agency determines that Indian tribal lands exist within his or her jurisdiction, to ensure that those peace officers employed by the agency who work in, or adjacent to, Indian tribal lands, or who may be responsible for responding to calls for service on, or adjacent to, Indian tribal lands, complete a course that includes, but is not limited to, a review of Public Law 280.

**AB 511 (Gipson)**

**Subject:** Worker's compensation

**Status:** Assembly Appropriations Committee

**Summary:** Current law designates illnesses and conditions that constitute a compensable injury for various public safety employees. These injuries include, but are not limited to, hernia, pneumonia, heart trouble, cancer, meningitis, and exposure to a biochemical substance when the illness or condition develops or manifests itself during a period when the officer or employee is in service of his or her employer. This bill would expand the coverage of the above provisions relating to compensable injury, to include other, full-time peace officers, including those employed by DSH.

**AB 618 (Maienschein)**

**Subject:** Parole: primary mental health clinicians

**Status:** Assembly Appropriations Committee

**Summary:** This bill would require that, upon request of a prisoner, independent evaluators appointed by the Board of Parole Hearings (BPH) consult with the prisoner's primary mental health clinician before making a recommendation to the board regarding the individuals' suitability for parole. Mentally Disordered Offenders (MDOs) within state hospitals and considered "prisoners" under this bill and would be eligible to request that BPH evaluators consult with their primary mental health clinician.

**AB 840 (Ridley-Thomas)**

**Subject:** Nurses and certified nurse assistants: overtime

**Status:** Senate Public Employment and Retirement Committee

**Summary:** This bill would prohibit a nurse or Certified Nursing Assistant (CNA) employed by a state facility, including a state hospital, from being required to work

overtime. The bill would specify that a nurse or CNA may volunteer or agree to work hours in addition to his or her regularly scheduled workweek or work shift but refusal to accept additional hours shall not result in penalty or adverse action to the employee and does not constitute patient abandonment or neglect.

**AB 909 (Quirk)**

**Subject:** Sexual assault crimes

**Status:** Senate Appropriations Committee

**Summary:** Would require a law enforcement agency responsible for taking or processing rape kit evidence to annually report, by July 1 of each year, to the Department of Justice information pertaining to the processing of rape kits, including the number of rape kits the law enforcement agency collects, the number of those rape kits that are tested, and the number of those rape kits that are not tested. For those rape kits that are not tested, the bill would require the law enforcement agency to also report the reason the rape kit was not tested.

**AB 962 (Maienschein)**

**Subject:** Sex offenses: disabled victims

**Status:** Assembly Appropriations Committee

**Summary:** Proposition 83 provides that the Legislature may amend the provisions of the Sexual Predator Punishment and Control Act to expand the scope of their application or increase the punishment or penalties by a statute passed by a majority vote of each house of the Legislature. This bill would add the crimes of rape, sexual penetration, sodomy, and oral copulation, perpetrated against a person who is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, to specified provisions, if the victim is developmentally disabled, as defined.

**AB 1003 (Nazarian)**

**Subject:** Mental Health: sexually violent predators

**Status:** Assembly Appropriations Committee

**Summary:** This bill would modify the DSH process for evaluating Sexually Violent Predators (SVPs), by: (1) Requiring DSH to consult, on or before January 30, 2016, with a committee comprised of the California District Attorneys Association, the California Public Defenders Association, and the Los Angeles District Attorney's Office to make recommendations regarding possible changes to the standardized SVP assessment protocol; (2) Requiring DSH, on or before March 1, 2016, to initiate the regulatory process to update the standardized SVP assessment protocol, including a plan for formal supervisory review of evaluations and a checklist for reviewing evaluations, as recommended by the March 2015 report of the California State Auditor; (3) Requiring that the regulations also include requirements and procedures for training evaluators; (4) Creating an oversight board that shall "advise the Legislature and the Governor regarding" SVPs, comprised of the same representatives as the advisory group listed above; (5) Requiring the new oversight board to meet six times per year, and to issue an annual report to the Governor and the Legislature making recommendations

relating to implementation of the SVP Act; and (6) Requiring all annual evaluations of SVPs in state hospitals to be signed by the DSH Director.

**AB 1006 (Levine)**

**Subject:** Prisoners: mental health treatment

**Status:** Assembly Appropriations Committee

**Summary:** This bill applies to cases in which a defendant pleads guilty or no contest to a crime that will result in a sentence to state prison. This bill would authorize either the defendant or a prosecutor to petition the court for a hearing, or for the court to order a hearing on its own motion, to determine whether the defendant suffers from a diagnosable mental condition. If after the hearing, the court finds that the defendant does suffer from a diagnosable mental illness, then the court shall order one or more of the following: (1) that the defendant serve all or part of his/her sentence in a residential mental health facility instead of the state prison; (2) that the Department of Corrections and Rehabilitation (CDCR) place the defendant in a mental health program within the state prison, at a level of care determined by CDCR's mental health staff, within 30 days of placement in the state prison or sooner upon order of the court; (3) that CDCR prepare a post-release mental health treatment plan six months prior to the defendant's release from custody.

**AB 1227 (Cooper)**

**Subject:** Peace officer training: mental health training

**Status:** Assembly Appropriations Committee

**Summary:** Current law requires the Commission on Peace Officer Standards and Training to establish and keep updated a continuing education classroom training course for peace officer interactions with persons with mental illnesses or developmental disabilities. Under current law, this course consists of classroom instruction and utilizes interactive training methods to ensure that training is as realistic as possible. This bill would require the commission, in collaboration with relevant stakeholders, to study and submit a report to the Legislature, on or before December 31, 2017, that assesses the statuses of the training courses described above, assesses whether the courses cover all appropriate topics, and identifies areas where additional training may be needed.

**AB 1237 (Brown)**

**Subject:** State hospitals: placement evaluations

**Status:** Assembly Public Safety Committee

**Summary:** Under current law, a court makes an Incompetent to Stand Trial (IST) or Not Guilty by Reason of Insanity (NGRI) determination after appointing a psychiatrist or psychologist to evaluate the defendant's mental state and make a recommendation to the court. This bill would amend that process by requiring DSH to establish a pool of psychiatrists and psychologists with forensic skills, and by requiring courts in IST or NGRI cases to select a panel of three to five DSH-employed evaluators to replace the current evaluation process.

**AB 1300 (Ridley-Thomas)**

**Subject:** Mental Health: involuntary commitment

**Status:** Assembly Appropriations Committee

**Summary:** Would authorize counties to designate one or more persons to act as a local or regional liaison to assist a person who is a patient in an emergency department of a defined non-designated hospital and who has been detained, or who may require detention, for evaluation and treatment, as specified. The bill would reorganize and make changes to the provisions relating to the detention for evaluation and treatment of a person who may be subject to the above provisions, including specifying procedures for delivery of those individuals to various facilities.

**AB 1469 (Achadjian)**

**Subject:** Peace officers: basic training requirements

**Status:** Print

**Summary:** Current law requires every peace officer to complete an introductory course of training prescribed by the Commission on Peace Officer Standards and Training, except as specified, and provides that persons described as peace officers who have not satisfactorily completed the course shall not have the powers of a peace officer until they satisfactorily complete the course. This bill would make technical, non-substantive changes to that provision.

**Senate**

**SB 267 (Leyva)**

**Subject:** Registered sex offenders: local ordinances

**Status:** Senate Public Safety Committee

**Summary:** The bill would authorize cities and counties to adopt ordinances, rules, or regulations that are more restrictive than state law relating to a registered sex offender's ability to reside or be present at certain locations within the local agency's jurisdiction.

**SB 312 (Pan)**

**Subject:** Public assistance: personal interviews

**Status:** Senate Appropriations Committee

**Summary:** Current law provides for protection, care, and assistance for people of the state by providing appropriate aid and services to the needy and distressed including the California Work Opportunity and Responsibility to Kids program (CalWORKs). Current law prohibits an applicant from being granted public assistance under CalWORKs until he or she is personally interviewed by the county human services agency or state hospital staff. This bill would authorize the county human services agency or state hospital staff to conduct this personal interview telephonically or through electronic means. The bill would require a face-to-face interview to be conducted if requested by an applicant or recipient.

**SB 428 (Hall)**

**Subject:** Juries: peace officer exemption

**Status:** Senate Judiciary Committee

**Summary:** This bill would exclude additional peace officers, including DSH peace officers classified as MTAs, from *voir dire* jury duty in criminal matters.

**SB 742 (Hertzberg)**

**Subject:** Soil waste: diversion

**Status:** Senate Appropriations Committee

**Summary:** Would require each state agency and each large state facility, on and after January 1, 2018, to divert at least 60% of all solid waste from landfill disposal or transformation facilities through source reduction, recycling, and composting activities. The bill would also delete an obsolete provision.

**SB 752 (Nielsen)**

**Subject:** Crimes

**Status:** Senate Public Safety Committee

**Summary:** This bill would revise crimes against peace officers to make all of the misdemeanors or wobblers instead punishable as felonies in county jail and make all of the felonies punishable in county jail instead punishable in state prison.

**SB 779 (Hall)**

**Subject:** Skilled nursing facilities: certified nurse assistant staffing

**Status:** Senate Appropriations Committee

**Summary:** Current law provides for the licensure and regulation by the State Department of Public Health of health facilities, including skilled nursing facilities. This bill would require the department to develop regulations that become effective July 1, 2016, and include a minimum overall staff-to-patient ratio that includes specific staff-to-patient ratios for certified nurse assistants and for licensed nurses that comply with specified requirements. This bill contains other related provisions and other existing laws.

**SB 780 (Mendoza)**

**Subject:** Psychiatric technicians and psychiatric technician assistants: overtime

**Status:** Assembly Public Employees, Retirement and Social Security Committee

**Summary:** Would prohibit a Psychiatric technician (PT) or psychiatric technician assistant (PTA) employed by a State facility from being required to work in excess of the regularly scheduled workweek or work shift, except under certain circumstances. The bill would authorize a PT or PTA to volunteer or agree to work hours in addition to his or her regularly scheduled workweek or work shift, but the refusal to accept additional hours would not constitute patient abandonment or neglect or be grounds for penalty or adverse action.

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