

The Council on Criminal Justice and Behavioral Health Legislative Impact Report

Legislative Session 2019-2020

Mental Illness

AB 46 (Carnillo) Will replace derogatory terms with more culturally sensitive terms when referring to individuals with mental illness **(Chaptered)**

Impact: Derogatory terms can be offensive and stigmatizing. This change is in line with current day anti-discrimination laws existing and being adopted. This bill promotes fairness, equality, equity, inclusion, humanity and respect.

SB 10 (Beall) Creates a statewide peer support specialist's certification program, as part of the state's comprehensive mental health and substance use disorder delivery system and the Medi-Cal program **(Vetoed)**

Impact: This bill required the Department of Health Care Services (DHCS) to establish a program for certifying peer support specialists; amend its Medicaid state plan and to seek any federal waivers or state plan amendments to implement the certification program. Peer support certification intends to support individuals without licensure to work as critical members who help individuals with mental health and SUD transition into programs, navigate services and resources and provide comfort and support. Peers are made up of family members or persons with lived experience.

The Governor's veto message stated: "I am returning Senate Bill 10 without my signature. This bill would require the Department of Health Care Services (DHCS) to establish a new state certification program for mental health and substance use disorder peer support specialists. Peer support services can play an important role in meeting individuals' behavioral health care needs by pairing those individuals with trained "peers" who offer assistance with navigating local community behavioral health systems and provide needed support. Currently, counties may opt to use peer support services for the delivery of Medicaid specialty mental health services. As the Administration, in partnership with the Legislature and counties, works to transform the state's behavioral health care delivery system, we have an opportunity to more comprehensively include peer support services in these transformation plans. I look forward to working with you on these transformations efforts in the budget process and future legislation, as improving the state of the state's behavioral health system is a critical priority for me."

CCJBH will actively participate in in these efforts above to support the use of peers, including peers with justice and system involvement, to serve in the delivery of behavioral health care.

SB 40 (Wiener) Would authorize the court to establish a temporary conservatorship for a period of 28 days or less if the court is satisfied that the person is presently incapable of caring for their person's own health and well-being due to a serious mental illness and substance use disorder, person must have been detained 8x times for evaluation and treatment within a 12-month period to meet the threshold for temporary conservatorship **(Chaptered)**

Impact: CCJBH will monitor implementation, assessing for impact on how this new tool is being used locally and how it fits into other larger efforts to re-examine elements of current conservatorship law.

SB 42 (Skinner) Beginning June 1, 2020, requires a county sheriff to make release standards and to make them available to people as they are booked into and while they are in county jail. The release standards shall include the list of rights provided for in this bill and the timeframe of the expedient release of a person following the determination to release that person by a judge, jury or appropriate county staff member. The bill would require a sheriff to provide a person who declines that option with a safe place to wait to be picked up with adequate and sufficient ability to charge a personal cell phone and access to a free public telephone. This bill provides that a person who is released from jail after being incarcerated for more than 30 days shall receive at least three days' supply of necessary medication (**Vetoed**)

Impact: The original bill introduced provided safe guards that addressed the many factors that lead to individuals returning to jail or prison e.g. time of release, transportation, assistance with treatment and access to a short supply of medication.

The Governor's veto message stated: "I am returning Senate Bill 42 without my signature. Jails should not be releasing people onto the streets during overnight hours. This is simply an unsafe practice, resulting in many tragic and preventable outcomes over the years. At a very minimum, facilities should absolutely provide a safe place to wait and arrange safe transportation when late night discharges do occur. However, this bill requires that individuals are permitted to stay in jail until morning if desired, therefore creating a significant state reimbursable mandate. The bill's intent can be accomplished through a more tailored approach that does not put the state treasury on the hook for local jail operations costs which are a local responsibility."

CCJBH agrees that solutions to this problem must be a priority, especially for vulnerable populations. Consider reaching out to the bill author, as well as criminal justice partners, to explore alternative solutions.

SB 282 (Beall) Repeals the Integrated Services for Mentally Ill Parolees (ISMIP) program and would instead enact the Supportive Housing Program for Persons on Parole (the program) to be administered by the Department of Housing and Community Development. The program would incorporate similar eligibility criteria for eligible participants and similar criteria for housing funded by the program (**2-year bill**)

Impact: CCJBH will monitor this bill and offer any technical assistance from the field as it reenters the legislative session 2019-20. The Legislature established the Integrated Services for Mentally Ill Parolees (ISMIP) program in California's 2007-08 budget to address the strong link between incarceration and homelessness. People on parole who are homeless are seven times more likely to reoffend than those housed. This leads to a cycle of incarceration and homelessness. Stable housing reduces recidivism, strengthens our communities, and promotes equity. Securing housing, as well as necessary wrap around services for all parolees identified with high behavioral health and criminogenic risk and needs should be a priority.

SB 389 (Hertzberg) Amends the Mental Health Services Act (MHSA) to clarify that MHSA funds can be used for services for individuals who are participating in a pre-sentencing or post-sentencing diversion program or community supervision, most notable parole - in short it repeals the parolee MHSA exclusion (Chaptered)

Impact: *SB 389 ensures that parolees in need of mental health services are eligible for subsidized services through MHSA. Doing so, will lead to better outcomes for those formerly incarcerated. CCJBH will actively work with CBHDA, CDCR, CPOC and other relevant stakeholders and partners on ways to implement SB 389 successfully.*

SB 665 (Umberg) *Would authorize a county through 2023, to use MHSA funds, if approved locally, to provide services to persons who are incarcerated in a county jail or subject to mandatory supervision, except persons who are incarcerated in a county jail for a conviction of a felony, except felony unless for purposes of facilitating discharge. (2-year bill)*

Impact: *CCJBH will monitor this bill as it reenters the legislative session 2019-20. Existing law prohibited MHSA funds for provisions of MH services to persons incarcerated (local jail or state prison) or in an institutional locked setting (state hospital). CCJBH supports community alternatives to incarceration but also recognizes the intense challenge of adequately providing mental health services to individuals who are incarcerated. The MHSA provides one of several streams of possible funding for mental health services but clearly is intended for services in the community as currently written. CCJBH will assess how new goals outlined as part of the California Advancing and Innovating Medi-Cal Initiative (CalAIM) could offer some alternatives to the bill in the future.*

Housing

AB 1482 (Chiu) Caps raising rent at 5% annually for certain units (Chaptered)

Impact: *Over half of California's 17 million renters, including 80% of low-income renters, are rent-burdened, meaning they pay over 30% of their income towards rent. Less than 20% of renters live in rent-controlled units, leaving the vast majority of renters with no certainty about the size of their next rent increase. This uncertainty makes it difficult to plan for or establish housing stability. This bill will provide eight million Californians in nearly three million households price stability, certainty and protection against discriminatory and retaliatory evictions by capping annual rent increases at 5% plus the change in the cost of living, as measured by the Consumer Price Index (CPI), and require that a landlord list a cause in their written notice to terminate a tenancy. CCJBH will monitor the implementation of this legislation.*

SB 329 (Mitchell) – Bans landlord discrimination against individuals who receive Section 8 housing vouchers (Chaptered)

Impact: *This bill prohibits landlords from discriminating against tenants who rely upon housing assistance paid directly to landlords, such as a Section 8 voucher, by expanding the definition of “source of income,” a category that California’s Fair Employment and Housing Act (FEHA) protects against discrimination. Roughly 300,000 low-income Californians rely on government subsidies in the form of housing vouchers to help pay their rent each month. There are a number of different types of housing voucher programs that are designed to assist populations that are at high risk for homelessness or are experiencing homelessness that would have devastating consequences. CCJBH will monitor the implementation of this legislation.*

SB 330 (Skinner) – Prevent cities from creating methods to circumvent state-mandated housing goals (Chaptered)

Impact: *The state needs an estimated 180,000 additional units of housing each year – just to keep up with current population growth. In order to facilitate the building of new housing in the areas where the housing crisis is the worst, it is crucial that the state temporarily lift restrictions and impediments to housing construction. This bill will allow for housing that is consistent with city general plans to be built more quickly over the next 10 years, while also ensuring adequate protections against demolitions of rent controlled, Section 8, and low income housing units. CCJBH will monitor the implementation of this legislation.*

AB 1076 (Ting)- Criminal records, automatic relief (Chaptered)

Impact: *The Department of Justice (DOJ), as of January 1, 2021, will be required to review its criminal justice databases on a weekly basis to identify persons who are eligible for relief by having either their arrest records or conviction records withheld from disclosure, with specified exceptions, and grant relief to eligible persons without a petition or motion having to be filed on the person's behalf. Eight million California residents have criminal convictions on their records that hamper their ability to find work and housing, secure public benefits, or even get admitted to college. Millions more have old arrests on their record that never resulted in a conviction but remains as an obstacle to employment. Nearly 90% of employers, 80% of landlords, and 60% of colleges screen applicants' criminal records. Lack of access to employment and housing are primary factors driving recidivism. Criminal records can be serious barriers to successful reentry. CCJBH will monitor the implementation of this legislation.*

Law Enforcement

AB 392 (Weber) – Change the use of force standard from “necessary” to “reasonable” (Chaptered)

Impact: *Individuals with physical, mental health, developmental, or intellectual disabilities may have greater challenges understanding or complying with commands. This legislation will clarify de-escalation techniques that should be used by law enforcement agencies in California. The definition draws upon best practices within policing. CCJBH will monitor the implementation of this legislation.*

SB 230 (Caballero) – Training to support the implementation of **AB 392** including training on how officers should work with individuals with mental illness. The Signed Budget Act of 2019-20 provides the funding for this bill. (Chaptered)

Impact: *Each law enforcement agency in California will adopt a use of force policy that complies with minimum standards set forth in this legislation. CCJBH will work with necessary partners as a resource to assist with the successful implementation of this legislation.*

Diversion

SB 666 (Stone)—Mental Health Diversion. This bill is to exclude specified crimes from being considered for mental health diversion. The bill was created out of fear that the original mental health diversion bill passed by the legislature would allow anyone defendant be eligible. (Failed Passage)