

SB 882 Advisory Council
On Improving Interactions Between People with Intellectual
And Developmental Disabilities and Law Enforcement

Legislative and Case Status Update to Council

July 25, 2024

Note: The Legislature is on summer recess and will reconvene on [August 5, 2024](#).

Pending Legislation

[SB 402](#) (Wahab, 2024) Involuntary Commitment

Summary: This bill would allow “licensed mental health professionals,” as defined in the bill, to authorize the involuntary commitment and treatment of persons with specified mental disorders (sometimes called a “5150 hold”). Currently, the law provides this authority to among others, peace officers and designated members of a mobile crisis team. This bill would add “licensed mental health professionals” to the list of authorized individuals.

This bill would also require the State Department of Health Care Services to collect additional data related to involuntary commitments, namely the number of holds initiated by a peace officer. Each law enforcement agency must provide this data accurately and completely to the Department.

Status: Awaiting a hearing date in Assembly Appropriations Committee.

[AB 1788](#) (Quirk-Silva, 2024) Mental Health Multidisciplinary Personnel Team

Summary: This bill would authorize counties to establish a mental health multi-disciplinary personnel team to facilitate and link justice-involved persons diagnosed with a mental illness to supportive services within that county while incarcerated and upon release from county jail. This bill would also allow the sharing of confidential information between provider agencies, such as probation and law enforcement, for the purpose of coordinating supportive services.

Status: Awaiting disposition during the Senate Appropriations Committee’s suspense hearing on August 15.

[AB 2541](#) (Bains, 2024) Peace Officer Training: Wandering

Summary: This bill would require the Commission on Peace Officer Standards and Training (POST), in consultation with specified experts, to develop guidelines addressing wandering

associated with Alzheimer's disease, autism, and dementia. The bill lists minimum requirements for the guidelines.

Status: Passed out of the Legislature, but held at the Senate Desk.

Dead Legislation

AB 2002 (Sanchez, 2024) Vehicles: Public Safety: Blue Envelope Program

Summary: This bill would have required the Department of Motor Vehicles (DMV), in consultation with relevant stakeholders, to develop a Blue Envelope Program to assist persons with disabilities during law enforcement stops. The blue envelope developed through the program must have, among other things, printed recommendations with interaction techniques and blank areas where the individuals can add comments related to the individual's needs. A person with a disability or the family member, legal guardian, conservator, or transportation driver of a person with a disability can request a blue envelope.

Status: Dead, held under submission in the Assembly Appropriations Committee.

SB 1285 (Laird, 2024) Driver's licenses: disability identifier

Summary: This bill would have required the application forms for a driver's license or identification card to contain a space for a person to voluntarily disclose that the applicant has a disability, as defined by the federal American with Disabilities Act, and that the disability interferes with the person's ability to effectively communicate with a peace officer. The disclosed disability must be certified by a licensed health professional, as specified, on appropriate forms to be developed by the DMV. The DMV would develop an appropriate disability identifier symbol to be placed on a driver's license or identification card that is discreet and represents all types of disabilities. If an individual who voluntarily disclosed their disability no longer wished to have their disability disclosed on their driver's license or identification card, the DMV would be required to issue a new driver's license or identification card without a disability identifier symbol upon request.

Additionally, the DMV would work with the Department of the California Highway Patrol and other relevant stakeholders to develop peace officer training on the meaning of the voluntary disability identifier symbol.

Status: Dead, held under submission in the Senate Appropriations Committee.

Bills on Mental Health Treatment of Incarcerated Persons: [AB 2478](#) (Ramos, 2024); [AB 2142](#) (Haney, 2024); [SB 513](#) (Wiener, 2023)

Summary: These bills collectively are related to the standards of mental health treatment for incarcerated individuals. AB 2478 would have required, when incarcerated persons are transferred, for their mental health records be transferred to ensure the continuity of mental health treatment. AB 2142 would have required the Department of Corrections and Rehabilitation to establish a 3-year pilot program at 2 or more institutions that would provide access to specified mental health therapy. SB 513 would have required the Department of Corrections and Rehabilitation to conduct mental health treatment in a manner that accomplishes enumerated goals.

Status: AB 2478 and AB 2142 are dead, and were held under submission in the Assembly Appropriations Committee. SB 513 failed last year, and was held under submission in the Senate Appropriations Committee.

Recently Passed Legislation Signed by the Governor

[SB 43](#) (Eggman, Chapter 637, Statutes of 2023) Behavioral Health

Summary: SB 43 expands the definition of “Grave Disability” in the Lanterman-Petris-Short Act, which provides for the involuntary commitment and treatment of a person who is gravely disabled. The expanded definition now includes (1) a condition in which a person, due to a severe substance use disorder, is unable to care for their basic personal needs or provide for their personal safety or necessary medical care and (2) the inability for a person to provide for their personal safety or necessary medical care as a result of chronic alcoholism.

Status: Passed and approved by the Governor.

[AB 946](#) (Nguyen, Chapter 93, Statutes of 2023) Emergency Services: Endangered Missing Advisory

Summary: AB 946 authorizes a law enforcement agency to request the Department of the California Highway Patrol to activate an Endangered Missing Advisory if certain conditions are met, including that the missing person is “developmentally disabled” or “cognitively impaired,” as defined, has been abducted, or is unable to otherwise care for themselves, placing their physical safety at risk. If the Department of the California Highway Patrol agrees that the required conditions for an Endangered Missing Advisory are met, the Department may activate the Advisory within the appropriate geographical area.

Status: Passed and approved by the Governor.

Relevant Caselaw

City of Grants Pass, Oregon v. Johnson et al.

The Supreme Court held that ordinances in Grants Pass, Oregon that prohibit people experiencing homelessness from camping and sleeping on public property do not violate the Constitution's ban on cruel and unusual punishment. Violations of the Grants Pass ordinances can result in fines, bans from public parks, and imprisonment. The Supreme Court ruling overturned the lower Ninth Circuit decision, which relied on an earlier decision in *Martin v. Boise* (2018). *Martin* held that the Eighth Amendment barred criminal penalties for sitting and sleeping outside by people experiencing homelessness who do not have access to shelter.