

Assembly Bill No. 941

CHAPTER 356

An act to amend Section 1372 of the Penal Code, and to amend Sections 4100, 7200, and 7200.06 of, and to repeal Sections 7229 and 7233 of, the Welfare and Institutions Code, relating to state hospitals.

[Approved by Governor September 11, 2003. Filed with Secretary of State September 12, 2003.]

LEGISLATIVE COUNSEL'S DIGEST

AB 941, Yee. State hospitals.

(1) Under existing law, a person cannot be tried or adjudged to punishment while that person is mentally incompetent.

Existing law sets forth procedures under which a criminal defendant who was adjudged mentally incompetent and who has regained mental competence, shall be returned to the committing court, and subsequently returned to a hospital or other commitment facility based on a need for continued treatment in order to maintain competence to stand trial. Existing law provides that the state shall only pay for 10 hospital days for patients following the filing of a certificate of restoration of competency. Existing law requires the State Department of Mental Health to report annually in January to specified committees of the Legislature on the number of days that exceed this 10-day limit.

This bill would, instead, require this annual report to be made in February. This bill would also require that report to include a data sheet that itemizes by county the number of days that exceed the 10-day limit.

(2) Existing law prohibits the admission to Napa State Hospital of patients, in excess of a specified number, whose placement has been required pursuant to the Penal Code, until specified conditions are met, except as provided.

This bill would repeal this provision and would revise other requirements concerning the patient population at Napa State Hospital. This bill would also repeal certain obsolete requirements concerning the construction of the Atascadero State Hospital.

(3) Existing law establishes certain state hospitals for the care, treatment, and education of the mentally disordered, and provides that the department has jurisdiction over these entities.

This bill would specify that Coalinga State Hospital is one of these entities.



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

SECTION 1. Section 1372 of the Penal Code is amended to read:

1372. (a) (1) If the medical director of the state hospital or other facility to which the defendant is committed, or the community program director, county mental health director, or regional center director providing outpatient services, determines that the defendant has regained mental competence, the director shall immediately certify that fact to the court by filing a certificate of restoration with the court by certified mail, return receipt requested. For purposes of this section, the date of filing shall be the date on the return receipt.

(2) The court's order committing an individual to a state hospital or other treatment facility pursuant to Section 1370 shall include direction that the sheriff shall redeliver the patient to the court without any further order from the court upon receiving from the state hospital or treatment facility a copy of the certificate of restoration.

(3) The defendant shall be returned to the committing court in the following manner:

(A) A patient who remains confined in a state hospital or other treatment facility shall be redelivered to the sheriff of the county from which the patient was committed. The sheriff shall immediately return the person from the state hospital or other treatment facility to the court for further proceedings.

(B) The patient who is on outpatient status shall be returned by the sheriff to court through arrangements made by the outpatient treatment supervisor.

(C) all cases, the patient shall be returned to the committing court no later than 10 days following the filing of a certificate of restoration. The state shall only pay for 10 hospital days for patients following the filing of a certificate of restoration of competency. The State Department of Mental Health shall report to the fiscal and appropriate policy committees of the Legislature on an annual basis in February, on the number of days that exceed the 10-day limit prescribed in this subparagraph. This report shall include, but not be limited to, a data sheet that itemizes by county the number of days that exceed this 10-day limit during the preceding year.

(b) If the defendant becomes mentally competent after a conservatorship has been established pursuant to the applicable provisions of the Lanterman-Petris-Short Act, Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code, and Section 1370, the conservator shall certify that fact to the sheriff and district attorney of the county in which the defendant's case is pending, defendant's attorney of record, and the committing court.



(c) When a defendant is returned to court with a certification that competence has been regained, the court shall notify either the community program director, the county mental health director, or the regional center director and the Director of Developmental Services, as appropriate, of the date of any hearing on the defendant's competence and whether or not the defendant was found by the court to have recovered competence.

(d) Where the committing court approves the certificate of restoration to competence as to a person in custody, the court shall hold a hearing to determine whether the person is entitled to be admitted to bail or released on own recognizance status pending conclusion of the proceedings. Where the superior court approves the certificate of restoration to competence regarding a person on outpatient status, unless it appears that the person has refused to come to court, that person shall remain released either on own recognizance status, or, in the case of a developmentally disabled person, either on the defendant's promise or on the promise of a responsible adult to secure the person's appearance in court for further proceedings. Where the person has refused to come to court, the court shall set bail and may place the person in custody until bail is posted.

(e) A defendant subject to either subdivision (a) or (b) who is not admitted to bail or released under subdivision (d) may, at the discretion of the court, upon recommendation of the director of the facility where the defendant is receiving treatment, be returned to the hospital or facility of his or her original commitment or other appropriate secure facility approved by the community program director, the county mental health director, or the regional center director. The recommendation submitted to the court shall be based on the opinion that the person will need continued treatment in a hospital or treatment facility in order to maintain competence to stand trial or that placing the person in a jail environment would create a substantial risk that the person would again become incompetent to stand trial before criminal proceedings could be resumed.

(f) Notwithstanding subdivision (e), if a defendant is returned by the court to a hospital or other facility for the purpose of maintaining competency to stand trial and that defendant is already under civil commitment to that hospital or facility from another county pursuant to the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code) or as a developmentally disabled person committed pursuant to Article 2 (commencing with Section 6500) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code, the costs of housing and treating



the defendant in that facility following return pursuant to subdivision (e) shall be the responsibility of the original county of civil commitment.

SEC. 2. Section 4100 of the Welfare and Institutions Code is amended to read:

4100. The department has jurisdiction over the following institutions:

- (a) Atascadero State Hospital.
- (b) Coalinga State Hospital.
- (c) Metropolitan State Hospital.
- (d) Napa State Hospital.
- (e) Patton State Hospital.

SEC. 3. Section 7200 of the Welfare and Institutions Code is amended to read:

7200. There are in the state the following state hospitals for the care, treatment, and education of the mentally disordered:

- (a) Metropolitan State Hospital near the City of Norwalk, Los Angeles County.
- (b) Atascadero State Hospital near the City of Atascadero, San Luis Obispo County.
- (c) Napa State Hospital near the City of Napa, Napa County.
- (d) Patton State Hospital near the City of San Bernardino, San Bernardino County.
- (e) Coalinga State Hospital near the City of Coalinga, Fresno County.

SEC. 4. Section 7200.06 of the Welfare and Institutions Code is amended to read:

7200.06. (a) Of the 1,362 licensed beds at Napa State Hospital, at least 20 percent of these beds shall be available in any given fiscal year for use by counties for contracted services. Of the remaining beds, in no case shall the population of patients whose placement has been required pursuant to the Penal Code, exceed 980.

(b) After construction of the perimeter security fence is completed at Napa State Hospital, no patient whose placement has been required pursuant to the Penal Code shall be placed outside the perimeter security fences, with the exception of placements in the General Acute Care and Skilled Nursing Units. The State Department of Mental Health shall ensure that appropriate security measures are in place for the general acute care and skilled nursing units.

(c) Any alteration to the security perimeter structure or policies will be made in conjunction with representatives of the City of Napa, the County of Napa, and local law enforcement agencies.

SEC. 5. Section 7229 of the Welfare and Institutions Code is repealed.



SEC. 6. Section 7233 of the Welfare and Institutions Code is repealed.

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