

AMENDED IN ASSEMBLY APRIL 10, 2013

AMENDED IN ASSEMBLY APRIL 1, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1340

Introduced by Assembly Member Achadjian

February 22, 2013

An act to add Sections 4142 and 4143 to the Welfare and Institutions Code, relating to mental health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1340, as amended, Achadjian. State Hospital Employees Act.

Existing law establishes state hospitals for the care, treatment, and education of mentally disordered persons. These hospitals are under the jurisdiction of the State Department of State Hospitals, which is authorized by existing law to adopt regulations regarding the conduct and management of these facilities. Existing law requires each state hospital to develop an incident reporting procedure that can be used to, at a minimum, develop reports of patient assaults on employees and assist the hospital in identifying risks of patient assaults on employees.

This bill would require each state hospital, beginning July 1, 2015, to establish and maintain an enhanced treatment unit as part of its facilities. The bill would also require any case of assault by a patient of a state hospital, as specified, to be immediately referred to the local district attorney, and if, after the referral, *the patient is found guilty of a misdemeanor or a felony assault*, the local district attorney declines to prosecute, or the patient is found incompetent to stand trial or not guilty by reason of insanity, the bill would require the patient to be

placed in the enhanced treatment unit of the hospital until the patient is deemed safe to return to the regular population of the hospital.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. This act may be known and cited as the State
2 Hospital Employees Act.

3 SEC. 2. Section 4142 is added to the Welfare and Institutions
4 Code, to read:

5 4142. Commencing July 1, 2015, each state hospital shall
6 establish and maintain an enhanced treatment unit as part of its
7 facilities for the placement of patients described in Section 4143.
8 The hospital administrator of each state hospital shall establish
9 procedures to provide an increased level of security for the
10 enhanced treatment unit.

11 SEC. 3. Section 4143 is added to the Welfare and Institutions
12 Code, to read:

13 4143. (a) Any case of assault by a patient of a state hospital
14 that causes injury to or illness of, or has the potential to cause
15 future illness of, a state hospital employee or another patient of
16 the state hospital *rising to the level of a misdemeanor or felony*
17 shall be immediately referred to the local district attorney.

18 (b) If, after referral to the local district attorney, *the patient is*
19 *found guilty of misdemeanor or felony assault*, the local district
20 attorney declines prosecution, ~~or~~ the patient is found to be
21 incompetent to stand trial, or the patient is found not guilty by
22 reason of insanity, the patient shall be placed in the enhanced
23 treatment unit of the state hospital until ~~such time as the individual~~
24 *patient* is deemed safe to return to the regular population of the
25 hospital.

26 (c) This section shall become operative on July 1, 2015.