



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS
770 L Street, Suite 1240 • Sacramento, California 95814-3368
Telephone 916-323-3121 • Fax 916-323-4347 • TDD 415-865-4272

TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

STEVEN JAHR
Administrative Director of the Courts

CORY T. JASPERSON
Director, Office of Governmental Affairs

March 25, 2014

Hon. Brian Maienschein
Member of the Assembly
State Capitol, Room 3098
Sacramento, California 95814

Subject: AB 2190 (Maienschein), as introduced – Support/Sponsor

Dear Assembly Member Maienschein:

The Judicial Council is pleased to support and sponsor AB 2190, which includes two important changes to the outpatient treatment for mentally disordered offenders and conservatorship reports.

Outpatient Treatment

AB 2190 amends Penal Code section 1601 to allow a court, when appropriate, to conditionally release a defendant found incompetent to a placement in the community, rather than in a custodial or inpatient setting, to receive mental health treatment until competency is restored. AB 2190 also requires the court to find that the alternative placement would provide more appropriate treatment for the defendant and that the placement would not pose a danger to the health and safety of others. Finally the bill amends Penal Code sections 1602 and 1603 to require a court to consider all listed criteria before placing an offender who is subject to Penal Code section 1601 on outpatient status rather than requiring the court to find that all of the listed criteria have been met.

Existing law prohibits a court from placing a defendant who is found incompetent on outpatient status until that person has first been committed and then confined in a state hospital or other facility for at least 180 days. Thus, even when a court believes that outpatient treatment is most appropriate for an individual defendant, the court cannot order that placement (Pen. Code. § 1601(a)). Moreover, costs can be extremely high for inmates who are in need of intensive psychiatric treatment. For example, in 2008 the cost of a bed for acute mental health services in a psychiatric unit of a county jail in California was \$1,350 per day. In 2007-08, the average cost per patient in a state hospital was \$194,732. In contrast, a 2009 study found the yearly cost for an individual with mental illness in a supportive housing program in Los Angeles was \$20,412.

By permitting courts to place certain mentally disordered offenders in outpatient settings AB 2190 permits courts to make placements that are most appropriate for an individual defendant, which can result in cost savings, while still protecting the public.

Conservatorship Reports

AB 2190 amends Welfare and Institutions Code section 5354 to require that if a criminal court with jurisdiction orders an evaluation of the defendant's mental condition pursuant to section 5200 of that code, and that evaluation leads to a conservatorship investigation, the officer conducting the investigation must submit a copy of the report to the defendant or defendant's attorney who, in turn, may authorize its release to the criminal court. It would also make the conservatorship report otherwise confidential. By permitting defendants to authorize release of conservatorship reports to criminal courts, the bill increases the options available to criminal courts when handling cases involving mentally disordered offenders, and improves coordination between conservatorship courts and the criminal courts.

For these reasons, the Judicial Council is pleased to support and sponsor AB 2190.

Sincerely,

A handwritten signature in cursive script that reads "Sharon Reilly". The signature is written in dark ink and is positioned above the printed name and title.

Sharon Reilly
Senior Attorney

SR/yc-s

cc: Ms. June Clark, Deputy Legislative Secretary, Office of the Governor



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Director, Office of Governmental Affairs

April 17, 2014

Hon. Tom Ammiano, Chair
Assembly Public Safety Committee
State Capitol, Room 3146
Sacramento, California 95814

Subject: AB 2190 (Maienschein), as introduced – Support/Sponsor
Hearing: Assembly Public Safety Committee – April 22, 2014

Dear Assembly Member Ammiano:

The Judicial Council is pleased to support and sponsor AB 2190, which includes two important changes to the outpatient treatment for mentally disordered offenders and conservatorship reports.

Outpatient Treatment

AB 2190 amends Penal Code section 1601 to allow a court, when appropriate, to conditionally release a defendant found incompetent to a placement in the community, rather than in a custodial or inpatient setting, to receive mental health treatment until competency is restored. AB 2190 also requires the court to find that the alternative placement would provide more appropriate treatment for the defendant and that the placement would not pose a danger to the health and safety of others. Finally, the bill amends Penal Code sections 1602 and 1603 to require a court to consider all listed criteria before placing an offender who is subject to Penal Code section 1601 on outpatient status rather than requiring the court to find that all of the listed criteria have been met.

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For these reasons, the Judicial Council is pleased to support and sponsor AB 2190.

Sincerely,



Sharon Reilly
Senior Attorney

SR/yc-s

cc: Members, Assembly Public Safety Committee
Hon. Brain Maienschein, Member of the Assembly
Mr. Shaun Naidu, Counsel, Assembly Public Safety Committee
Ms. June Clark, Deputy Legislative Secretary, Office of the Governor
Mr. Gary Olson, Consultant, Assembly Republican Office of Policy



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June 12, 2014

Hon. Ed Hernandez, O.D., Chair
Senate Health Committee
State Capitol, Room 2080
Sacramento, California 95814

Subject: AB 2190 (Maienschein), as amended May 23, 2014 – Support/Sponsor
Hearing: Senate Health Committee – June 18, 2014

Dear Senator Hernandez:

The Judicial Council is pleased to support and sponsor AB 2190, which includes two important changes to the outpatient treatment for mentally disordered offenders and conservatorship reports.

Outpatient Treatment

AB 2190 amends Penal Code section 1601 to allow a court, when appropriate, to conditionally release a defendant found incompetent to a placement in the community, rather than in a custodial or inpatient setting, to receive mental health treatment until competency is restored. AB 2190 also requires the court to find that the alternative placement would provide more appropriate treatment for the defendant and that the placement would not pose a danger to the health and safety of others. Finally, the bill amends Penal Code sections 1602 and 1603 to require a court to consider all listed criteria before placing an offender who is subject to Penal Code section 1601 on outpatient status rather than requiring the court to find that all of the listed criteria have been met.

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For these reasons, the Judicial Council is pleased to support and sponsor AB 2190.

Sincerely,



Sharon Reilly
Senior Attorney

SR/yc-s

cc: Members, Senate Health Committee
Hon. Brain Maienschein, Member of the Assembly
Mr. Reyes Diaz, Consultant, Senate Health Committee
Ms. June Clark, Deputy Legislative Secretary, Office of the Governor
Mr. Joe Parra, Lead Consultant, Senate Republican Office of Policy



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STEVEN JAHR
Administrative Director of the Courts

CORY T. JASPERSON
Director, Office of Governmental Affairs

June 12, 2014

Hon. Loni Hancock, Chair
Senate Public Safety Committee
State Capitol, Room 2082
Sacramento, California 95814

Subject: AB 2190 (Maienschein), as amended May 23, 2014 – Support/Sponsor
Hearing: Senate Public Safety Committee

Dear Senator Hancock:

The Judicial Council is pleased to support and sponsor AB 2190, which includes two important changes to the outpatient treatment for mentally disordered offenders and conservatorship reports.

Outpatient Treatment

AB 2190 amends Penal Code section 1601 to allow a court, when appropriate, to conditionally release a defendant found incompetent to a placement in the community, rather than in a custodial or inpatient setting, to receive mental health treatment until competency is restored. AB 2190 also requires the court to find that the alternative placement would provide more appropriate treatment for the defendant and that the placement would not pose a danger to the health and safety of others. Finally, the bill amends Penal Code sections 1602 and 1603 to require a court to consider all listed criteria before placing an offender who is subject to Penal Code section 1601 on outpatient status rather than requiring the court to find that all of the listed criteria have been met.

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Sincerely,



Sharon Reilly
Senior Attorney

SR/yc-s

cc: Members, Senate Public Safety Committee
Hon. Brain Maienschein, Member of the Assembly
Mr. Jerome McGuire, Counsel, Senate Public Safety Committee
Ms. June Clark, Deputy Legislative Secretary, Office of the Governor
Mr. Eric Csizmar, Consultant, Senate Republican Office of Policy



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STEVEN JAHR
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

September 4, 2014

Hon. Edmund G. Brown, Jr.
Governor of California
State Capitol, First Floor
Sacramento, California 95814

Subject: AB 2190 (Maienschein) – Request for Signature

Dear Governor Brown:

The Judicial Council is pleased to support and sponsor AB 2190, which includes two important changes to the outpatient treatment for mentally disordered offenders and conservatorship reports.

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For these reasons, the Judicial Council respectfully requests your signature on 2190.

Sincerely,

A handwritten signature in cursive script that reads "Sharon Reilly". The signature is written in dark ink and is positioned above the printed name and title.

Sharon Reilly
Senior Attorney

cc: Hon. Brian Maienschein, Member of the Assembly
Ms. June Clark, Deputy Legislative Affairs Secretary, Office of the Governor