

MEMORANDUM

DATE	May 2, 2017
то	Policy and Advocacy Committee
FROM	Momor Leitzell Konnor Leitzell
	Central Services Student Assistant
SUBJECT	Agenda Item #6(c)(36) – SB 8 (Beall) Diversion: mental disorders

Background:

This bill would authorize a court, with the consent of the defendant and a waiver of the defendant's speedy trial right, to postpone prosecution of a misdemeanor or a felony punishable in a county jail, and place the defendant in a pretrial diversion program if the court is satisfied that the defendant suffers from a mental disorder, that the defendant's mental disorder played a significant role in the commission of the charged offense, and that the defendant would benefit from mental health treatment. The bill would also allow the defense to arrange for a program of mental health treatment utilizing existing inpatient or outpatient mental health resources.

Location: Senate Committee on Appropriations

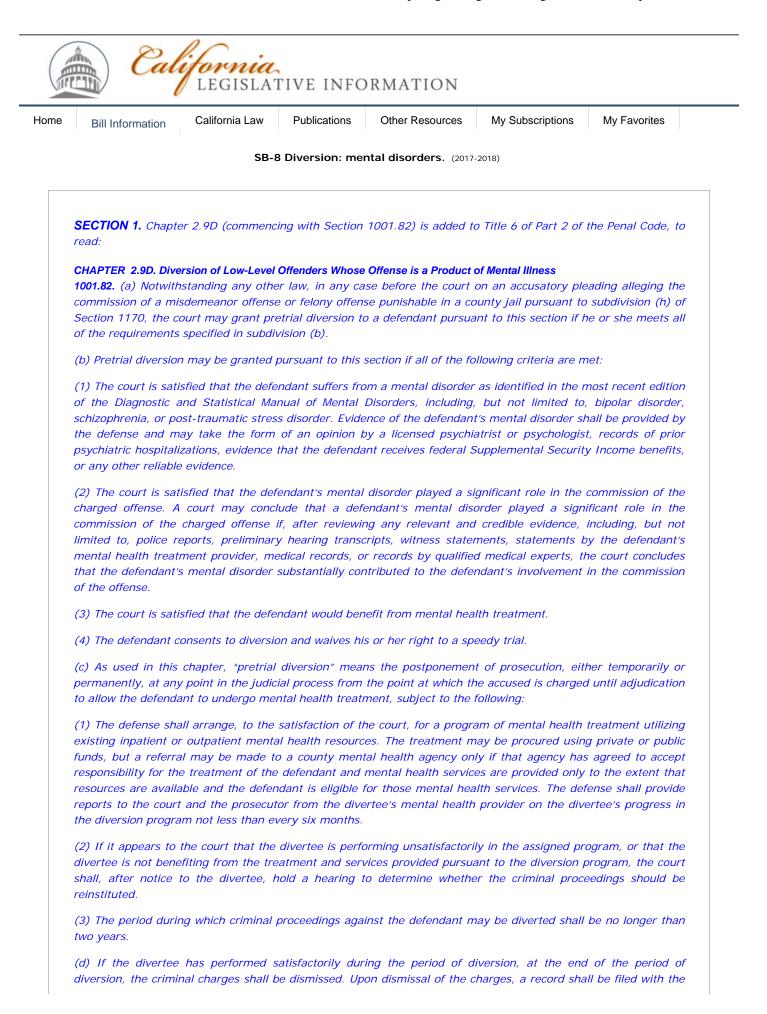
Status: Placed on Senate Committee on Appropriations Suspense File

Votes: 04/03/2017 Senate Committee on Appropriations - To Suspense (7-0-0) 03/21/2017 Senate Committee on Public Safety (5-2-0)

Action Requested:

No action is required at this time. Staff will continue to watch SB 8 (Beall) to determine if the pretrial diversion program will affect the licensing and enforcement programs ability to effectively screen applicants for licensure and effectively enforce the Psychology Licensing Law.

Attachment A: SB 8 (Beall) Text



Department of Justice indicating the disposition of the case diverted pursuant to this section. Upon successful completion of a diversion program, the arrest upon which the diversion was based shall be deemed never to have occurred. The divertee who successfully completes the diversion program may indicate in response to any question concerning his or her prior criminal record that he or she was not arrested or diverted for the offense, except as specified in subdivision (e).

(e) Regardless of his or her successful completion of diversion, the arrest upon which the diversion was based may be disclosed by the Department of Justice in response to any peace officer application request. Notwithstanding subdivision (d), this section does not relieve the divertee who successfully completes diversion pursuant to this section of his or her obligation to disclose the arrest in a response to any direct question contained in any questionnaire or application for a position as a peace officer, as defined in Section 830. The divertee shall be advised of the requirements of this subdivision upon the successful completion of diversion.

(f) A finding that the defendant suffers from a mental disorder, any progress reports concerning the defendant's treatment, or any other records related to a mental disorder that were created as a result of diversion pursuant to this section may not be used in any other proceeding without the defendant's consent.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.