

AMENDED IN SENATE FEBRUARY 5, 2025

SENATE BILL

No. 38

Introduced by Senator Umberg

December 3, 2024

An act to amend ~~Section 5000 of the Welfare and Institutions Code, relating to mental health. Sections 6046 and 6046.3 of the Penal Code, relating to recidivism reduction, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 38, as amended, Umberg. ~~Lanterman-Petris-Short Act. Second Chance Program.~~

Existing law establishes the Second Chance Program to support mental health treatment, substance use treatment, and diversion programs for persons in the criminal justice system with an emphasis on programs that reduce recidivism of persons convicted of less serious crimes and persons who have substance use and mental health problems. Existing law requires the Board of State and Community Corrections to administer a grant program to carry out the purposes of the Second Chance Program. Existing law requires the grant program to, among other things, restrict eligibility to proposals that offer mental health services, substance use disorder treatment services, misdemeanor diversion programs, or a combination thereof. Existing law also establishes the Second Chance Fund, a continuously appropriated fund, which is administered by the board.

Existing law, the Treatment-Mandated Felony Act, makes it a crime for a person, who has 2 or more prior convictions for a felony or misdemeanor violation of specified controlled substances crimes, to possess a hard drug, as defined, unless it has been prescribed by a doctor, among others. Under existing law, a defendant who has been

charged with this crime can elect treatment, in lieu of a jail or prison sentence or probation, by pleading guilty or no contest and admitting the alleged prior convictions, waiving time for sentencing and the pronouncement of judgment, and agreeing to participate in, and complete, a detailed treatment program developed by a drug addiction expert and approved by the court.

This bill would require the Second Chance grant program to authorize eligibility for proposals that offer mental health or behavioral health services and drug court or collaborative court programs, including the treatment program under the Treatment-Mandated Felony Act. The bill would prohibit the program from specifying percentage allocations in applying for, or awarding, a grant. By expanding the purpose of a continuously appropriated fund, this bill would make an appropriation.

~~Existing law, the Lanterman-Petris-Short Act, provides generally for the evaluation, treatment, and civil commitment of persons with mental health disorders and other specified persons.~~

~~This bill would make technical, nonsubstantive changes to the provision naming that act.~~

Vote: ~~majority~~^{2/3}. Appropriation: ~~no~~ yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

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

1 SECTION 1. Section 6046 of the Penal Code is amended to
2 read:

3 6046. (a) The purpose of this article is to build safer
4 communities by investing in community-based programs, services,
5 and initiatives for formerly incarcerated individuals in need of
6 mental health and substance use treatment services.

7 (b) The program established pursuant to this article shall ~~be~~
8 ~~restricted to supporting~~ support mental health treatment, substance
9 use treatment, *drug court or collaborative court programs*, and
10 diversion programs for persons in the criminal justice system, with
11 an emphasis on programs that reduce recidivism of persons
12 convicted of less serious crimes, such as those covered by the Safe
13 Neighborhoods and Schools Act of 2014, and those who have
14 substance use and mental health problems.

15 (c) The Board of State and Community Corrections shall
16 administer a grant program established pursuant to this article. *The*
17 *grant program is intended to support locally responsive and*

1 *collaborative approaches and shall not require specific percentage*
2 *allocations in applying for, or awarding, the grant.*

3 *SEC. 2. Section 6046.3 of the Penal Code is amended to read:*

4 6046.3. (a) The board shall administer a competitive grant
5 program to carry out the purposes of this article that focuses on
6 community-based solutions for reducing recidivism. The grant
7 program shall, at minimum, do all of the following:

8 ~~(1) Restrict eligibility to~~ *Authorize eligibility for* proposals
9 designed to serve people who have been arrested, charged with,
10 or convicted of a criminal offense and have a history of mental
11 health or substance use disorders.

12 ~~(2) Restrict eligibility to~~ *Authorize eligibility for* proposals that
13 offer mental health ~~services~~, *or behavioral health services, drug*
14 *court or collaborative court programs*, substance use disorder
15 treatment services, misdemeanor diversion programs, or some
16 combination thereof.

17 (3) Restrict eligibility to proposals that have a public agency as
18 the lead applicant.

19 *(4) Authorize eligibility for treatment programs pursuant to*
20 *Section 11395 of the Health and Safety Code.*

21 (b) The board shall form an executive steering committee that
22 includes, but is not limited to, a balanced and diverse membership
23 from relevant state and local government entities, community-based
24 treatment and service providers, and the formerly incarcerated
25 community. The committee shall have expertise in homelessness
26 and housing, behavioral health and substance abuse treatment, and
27 effective rehabilitative treatment for adults and juveniles. The
28 committee shall make recommendations regarding the design,
29 efficacy, and viability of proposals, and make recommendations
30 on guidelines for the submission of proposals, including threshold
31 or scoring criteria, or both, that do all of the following:

32 (1) Prioritize proposals that advance principles of restorative
33 justice while demonstrating a capacity to reduce recidivism.

34 (2) Prioritize proposals that leverage other federal, state, and
35 local funds or other social investments, such as the following
36 sources of funding:

37 (A) The Drug Medi-Cal Treatment Program ~~(22 Cal. Code Regs.~~
38 ~~(Sections 51341.1, 51490.1, and 51516.1): 51516.1 of Title 22 of~~
39 *the California Code of Regulations).*

1 (B) The Mental Health Services Act, enacted by Proposition 63
2 at the November 2, 2004, general election, as amended.

3 (C) Funds provided for in connection with the implementation
4 of Chapter 15 of the Statutes of 2011.

5 (D) The *California* Community Corrections Performance
6 Incentives Act of 2009 (Stats. 2009, Ch. 608; Chapter 3
7 (commencing with Section 1228) of Title 8 of Part 2).

8 (E) The tax credits established pursuant to ~~Sections 12209,~~
9 ~~17053.57, and 23657~~ Section 12209 of the Revenue and Taxation
10 Code.

11 (F) The federal Department of Housing and Urban Development
12 funds, such as the Emergency Solutions Grant program (42 U.S.C.
13 Sec. 11371 et seq.).

14 (G) The federal Department of Veterans Affairs Supportive
15 Services for Veteran Families program (38 U.S.C. Sec. 2044).

16 (H) Social Innovation Funds established by the Corporation for
17 National and Community Service pursuant to Section 12653k of
18 Title 42 of the United States Code.

19 (I) The Edward Byrne Memorial Justice Assistance Grant
20 Program (42 U.S.C. Sec. 3750 et seq.).

21 (3) Prioritize proposals that provide for all of the following:

22 (A) Mental health services, substance use disorder treatment
23 services, misdemeanor diversion programs, or some combination
24 thereof.

25 (B) Housing-related assistance that utilizes evidence-based
26 models, including, but not limited to, those recommended by the
27 federal Department of Housing and Urban Development.
28 Housing-related assistance may include, but is not limited to, the
29 following:

30 (i) Financial assistance, including security deposits, utility
31 payments, moving-cost assistance, and up to 24 months of rental
32 assistance.

33 (ii) Housing stabilization assistance, including case management,
34 relocation assistance, outreach and engagement, landlord
35 recruitment, housing navigation and placement, and credit repair.

36 (C) Other community-based supportive services, such as job
37 skills training, case management, and civil legal services.

38 (4) Prioritize proposals that leverage existing contracts,
39 partnerships, memoranda of understanding, or other formal

1 relationships to provide one or more of the services prioritized in
2 paragraph (3).

3 (5) Prioritize proposals put forth by a public agency in
4 partnership with *additional public agencies or with* a philanthropic
5 or nonprofit organization.

6 (6) Prioritize proposals that promote interagency and regional
7 collaborations.

8 (7) Consider ways to promote services for people with offenses
9 identical or similar to those addressed by the Safe Neighborhoods
10 and Schools Act of 2014, without precluding assistance to a person
11 with other offenses in ~~his or her~~ *their* criminal history.

12 (8) Consider geographic diversity.

13 (9) Consider appropriate limits for administrative costs and
14 overhead.

15 (10) Consider proposals that provide services to juveniles.

16 (11) Permit proposals to expand the capacity of an existing
17 program and prohibit proposals from using the fund to supplant
18 funding for an existing program.

19 (12) *Prioritize proposals that utilize a drug court or*
20 *collaborative court model.*

21 ~~SECTION 1. Section 5000 of the Welfare and Institutions Code~~
22 ~~is amended to read:~~

23 ~~5000. This part shall be known, and may be cited, as the~~
24 ~~Lanterman-Petris-Short Act.~~