

**ASSEMBLY BILL**

**No. 416**

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**Introduced by Assembly Member Krell**  
*(Principal coauthor: Assembly Member Gipson)*

February 5, 2025

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An act to amend Sections 5008, 5113, and 5150 of the Welfare and Institutions Code, relating to behavioral health.

LEGISLATIVE COUNSEL’S DIGEST

AB 416, as introduced, Krell. Involuntary commitment.

Existing law, the Lanterman-Petris-Short Act, authorizes the involuntary commitment and treatment of persons with specified mental disorders. Under the act, when a person, as a result of a mental health disorder, is a danger to self or others, or gravely disabled, the person may, upon probable cause, be taken into custody by specified individuals, including, among others, by a peace officer and a designated member of a mobile crisis team, and placed in a facility designated by the county and approved by the State Department of Health Care Services for up to 72 hours for evaluation and treatment. Existing law exempts specified individuals, including a peace officer responsible for the detainment of a person under these provisions from criminal and civil liability for an action by a person who is released at or before the end of the period for which they were detained.

This bill would additionally authorize a person to be taken into custody, pursuant to those provisions, by an emergency physician, as defined. The bill would also exempt an emergency physician who is responsible for the detainment of a person under those provisions from criminal and civil liability, as specified.

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

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

1     SECTION 1. Section 5008 of the Welfare and Institutions Code  
2     is amended to read:  
3     5008. Unless the context otherwise requires, the following  
4     definitions shall govern the construction of this part:  
5     (a) “Evaluation” consists of multidisciplinary professional  
6     analyses of a person’s medical, psychological, educational, social,  
7     financial, and legal conditions as may appear to constitute a  
8     problem. Persons providing evaluation services shall be properly  
9     qualified professionals and may be full-time employees of an  
10    agency providing face-to-face, which includes telehealth,  
11    evaluation services or may be part-time employees or may be  
12    employed on a contractual basis.  
13    (b) “Court-ordered evaluation” means an evaluation ordered by  
14    a superior court pursuant to Article 2 (commencing with Section  
15    5200) of Chapter 2 or by a superior court pursuant to Article 3  
16    (commencing with Section 5225) of Chapter 2.  
17    (c) “Intensive treatment” consists of such hospital and other  
18    services as may be indicated. Intensive treatment shall be provided  
19    by properly qualified professionals and carried out in facilities  
20    qualifying for reimbursement under the California Medical  
21    Assistance Program (Medi-Cal) set forth in Chapter 7 (commencing  
22    with Section 14000) of Part 3 of Division 9, or under Title XVIII  
23    of the federal Social Security Act and regulations thereunder.  
24    Intensive treatment may be provided in hospitals of the United  
25    States government by properly qualified professionals. This part  
26    does not prohibit an intensive treatment facility from also providing  
27    72-hour evaluation and treatment.  
28    (d) “Referral” is referral of persons by each agency or facility  
29    providing assessment, evaluation, crisis intervention, or treatment  
30    services to other agencies or individuals. The purpose of referral  
31    shall be to provide for continuity of care, and may include, but  
32    need not be limited to, informing the person of available services,  
33    making appointments on the person’s behalf, discussing the  
34    person’s problem with the agency or individual to which the person  
35    has been referred, appraising the outcome of referrals, and

1 arranging for personal escort and transportation when necessary.  
2 Referral shall be considered complete when the agency or  
3 individual to whom the person has been referred accepts  
4 responsibility for providing the necessary services. All persons  
5 shall be advised of available precare services that prevent initial  
6 recourse to hospital treatment or aftercare services that support  
7 adjustment to community living following hospital treatment.  
8 These services may be provided through county or city mental  
9 health departments, state hospitals under the jurisdiction of the  
10 State Department of State Hospitals, regional centers under contract  
11 with the State Department of Developmental Services, or other  
12 public or private entities.

13 Each agency or facility providing evaluation services shall  
14 maintain a current and comprehensive file of all community  
15 services, both public and private. These files shall contain current  
16 agreements with agencies or individuals accepting referrals, as  
17 well as appraisals of the results of past referrals.

18 (e) "Crisis intervention" consists of an interview or series of  
19 interviews within a brief period of time, conducted by qualified  
20 professionals, and designed to alleviate personal or family  
21 situations that present a serious and imminent threat to the health  
22 or stability of the person or the family. The interview or interviews  
23 may be conducted in the home of the person or family, or on an  
24 inpatient or outpatient basis with such therapy, or other services,  
25 as may be appropriate. The interview or interviews may include  
26 family members, significant support persons, providers, or other  
27 entities or individuals, as appropriate and as authorized by law.  
28 Crisis intervention may, as appropriate, include suicide prevention,  
29 psychiatric, welfare, psychological, legal, or other social services.

30 (f) "Prepetition screening" is a screening of all petitions for  
31 court-ordered evaluation as provided in Article 2 (commencing  
32 with Section 5200) of Chapter 2, consisting of a professional  
33 review of all petitions; an interview with the petitioner and,  
34 whenever possible, the person alleged, as a result of a mental health  
35 disorder, to be a danger to others, or to themselves, or to be gravely  
36 disabled, to assess the problem and explain the petition; when  
37 indicated, efforts to persuade the person to receive, on a voluntary  
38 basis, comprehensive evaluation, crisis intervention, referral, and  
39 other services specified in this part.

1 (g) “Conservatorship investigation” means investigation by an  
2 agency appointed or designated by the governing body of cases in  
3 which conservatorship is recommended pursuant to Chapter 3  
4 (commencing with Section 5350).

5 (h) (1) For purposes of Article 1 (commencing with Section  
6 5150), Article 2 (commencing with Section 5200), Article 3  
7 (commencing with Section 5225), and Article 4 (commencing with  
8 Section 5250) of Chapter 2, and for purposes of Chapter 3  
9 (commencing with Section 5350), “gravely disabled” means any  
10 of the following, as applicable:

11 (A) A condition in which a person, as a result of a mental health  
12 disorder, a severe substance use disorder, or a co-occurring mental  
13 health disorder and a severe substance use disorder, is unable to  
14 provide for their basic personal needs for food, clothing, shelter,  
15 personal safety, or necessary medical care.

16 (B) A condition in which a person has been found mentally  
17 incompetent under Section 1370 of the Penal Code and all of the  
18 following facts exist:

19 (i) The complaint, indictment, or information pending against  
20 the person at the time of commitment charges a felony involving  
21 death, great bodily harm, or a serious threat to the physical  
22 well-being of another person.

23 (ii) There has been a finding of probable cause on a complaint  
24 pursuant to paragraph (2) of subdivision (a) of Section 1368.1 of  
25 the Penal Code, a preliminary examination pursuant to Section  
26 859b of the Penal Code, or a grand jury indictment, and the  
27 complaint, indictment, or information has not been dismissed.

28 (iii) As a result of a mental health disorder, the person is unable  
29 to understand the nature and purpose of the proceedings taken  
30 against them and to assist counsel in the conduct of their defense  
31 in a rational manner.

32 (iv) The person represents a substantial danger of physical harm  
33 to others by reason of a mental disease, defect, or disorder.

34 (2) For purposes of Article 3 (commencing with Section 5225)  
35 and Article 4 (commencing with Section ~~5250~~; 5250) of Chapter  
36 2, and for purposes of Chapter 3 (commencing with Section 5350),  
37 “gravely disabled” includes a condition in which a person, as a  
38 result of impairment by chronic alcoholism, is unable to provide  
39 for their basic personal needs for food, clothing, shelter, personal  
40 safety, or necessary medical care.

1 (3) The term “gravely disabled” does not include persons with  
2 intellectual disabilities by reason of that disability alone.

3 (4) A county, by adoption of a resolution of its governing body,  
4 may elect to defer implementation of the changes made to this  
5 section by Senate Bill 43 of the 2023–24 Regular Session of the  
6 Legislature until January 1, 2026.

7 (i) “Peace officer” means a duly sworn peace officer as that  
8 term is defined in Chapter 4.5 (commencing with Section 830) of  
9 Title 3 of Part 2 of the Penal Code who has completed the basic  
10 training course established by the Commission on Peace Officer  
11 Standards and Training, or any parole officer or probation officer  
12 specified in Section 830.5 of the Penal Code when acting in relation  
13 to cases for which the officer has a legally mandated responsibility.

14 (j) “Postcertification treatment” means an additional period of  
15 treatment pursuant to Article 6 (commencing with Section 5300)  
16 of Chapter 2.

17 (k) “Court,” unless otherwise specified, means a court of record.

18 (l) “Antipsychotic medication” means any medication  
19 customarily prescribed for the treatment of symptoms of psychoses  
20 and other severe mental and emotional disorders.

21 (m) “Emergency” means a situation in which action to impose  
22 treatment over the person’s objection is immediately necessary  
23 for the preservation of life or the prevention of serious bodily harm  
24 to the patient or others, and it is impracticable to first gain consent.  
25 It is not necessary for harm to take place or become unavoidable  
26 prior to treatment.

27 (n) (1) “Designated facility,” “facility designated by the county  
28 for evaluation and treatment,” or “facility designated by the county  
29 to provide intensive treatment” means a facility that meets  
30 designation requirements duly established by the State Department  
31 of Health Care Services in accordance with Section 5404,  
32 including, but not limited to, the following:

33 (A) Psychiatric health facilities licensed by the State Department  
34 of Health Care Services.

35 (B) Psychiatric residential treatment facilities licensed by the  
36 State Department of Health Care Services.

37 (C) Mental health rehabilitation centers licensed by the State  
38 Department of Health Care Services.

39 (D) Provider sites certified by the State Department of Health  
40 Care Services or a mental health plan to provide crisis stabilization.

1 (E) General acute care hospitals licensed by the State  
2 Department of Public Health.

3 (F) Acute psychiatric hospitals licensed by the State Department  
4 of Public Health.

5 (G) Chemical dependency recovery hospitals licensed by the  
6 State Department of Public Health.

7 (H) Hospitals operated by the United States Department of  
8 Veterans Affairs.

9 (2) (A) A county may designate a facility for the purpose of  
10 providing one or more of the following services:

11 (i) Providing evaluation and treatment pursuant to Article 1  
12 (commencing with Section 5150) of Chapter 2.

13 (ii) Providing intensive treatment pursuant to Article 4  
14 (commencing with Section 5250) of Chapter 2.

15 (iii) Providing additional intensive treatment pursuant to Article  
16 4.5 (commencing with Section 5260) of Chapter 2.

17 (iv) Providing additional intensive treatment pursuant to Article  
18 4.7 (commencing with Section 5270.10) of Chapter 2.

19 (v) Providing postcertification treatment pursuant to Article 6  
20 (commencing with Section 5300) of Chapter 2.

21 (B) A county may designate a facility, as is appropriate and  
22 based on capability, for the purpose of providing one or more types  
23 of treatment listed in subparagraph (A) of paragraph ~~(3)~~ of  
24 ~~subdivision (B)~~ (2) without designating the facility to provide all  
25 treatments.

26 (3) Notwithstanding Chapter 3.5 (commencing with Section  
27 11340) of Part 1 of Division 3 of Title 2 of the Government Code,  
28 the State Department of Health Care Services may implement,  
29 interpret, or make specific this subdivision, in whole or in part, by  
30 means of plan or county letters, information notices, plan or  
31 provider bulletins, or other similar instructions, until the time  
32 regulations are adopted no later than December 31, 2027.

33 (o) “Severe substance use disorder” means a diagnosed  
34 substance-related disorder that meets the diagnostic criteria of  
35 “severe” as defined in the most current version of the Diagnostic  
36 and Statistical Manual of Mental Disorders.

37 (p) “Personal safety” means the ability of one to survive safely  
38 in the community without involuntary detention or treatment  
39 pursuant to this part.

1 (q) “Necessary medical care” means care that a licensed health  
2 care practitioner, while operating within the scope of their practice,  
3 determines to be necessary to prevent serious deterioration of an  
4 existing physical medical condition that, if left untreated, is likely  
5 to result in serious bodily injury as defined in Section 15610.67.

6 (r) “*Emergency physician*” means a physician and surgeon  
7 who satisfies all of the following criteria:

8 (1) Provides medical screening and treatment of patients in the  
9 emergency department of a general acute care hospital licensed  
10 under Chapter 2 (commencing with Section 1250) of Division 2  
11 of the Health and Safety Code.

12 (2) Completed the county training described in paragraph (2)  
13 of subdivision (a) of Section 5121.

14 (3) Completed the application and approval processes described  
15 in paragraph (3) of subdivision (a) of Section 5121.

16 SEC. 2. Section 5113 of the Welfare and Institutions Code is  
17 amended to read:

18 5113. Except as provided in Sections 5154, 5173, 5259.3, 5267,  
19 and 5306, the facility providing treatment pursuant to Article 1  
20 (commencing with Section 5150), Article 1.5 (commencing with  
21 Section 5170), Article 4 (commencing with Section 5250), Article  
22 4.5 (commencing with Section—5260) 5260), or Article 6  
23 (commencing with Section—5300) 5300) of Chapter 2, the  
24 superintendent of the facility, the professional person in charge of  
25 the facility and ~~his or her~~ their designee, the emergency physician  
26 responsible for the detainment of the person, or the peace officer  
27 responsible for the detainment of the person shall not be civilly or  
28 criminally liable for any action by a person released at or before  
29 the end of the period for which ~~he or she~~ the person was admitted  
30 pursuant to the provisions of the appropriate article.

31 SEC. 3. Section 5150 of the Welfare and Institutions Code is  
32 amended to read:

33 5150. (a) ~~When~~ If a person, as a result of a mental health  
34 disorder, is a danger to ~~others~~, others or to themselves, or is gravely  
35 disabled, a peace officer, an emergency physician, professional  
36 person in charge of a facility designated by the county for  
37 evaluation and treatment, member of the attending staff, as defined  
38 by regulation, of a facility designated by the county for evaluation  
39 and treatment, designated members of a mobile crisis team, or  
40 professional person designated by the county may, upon probable

1 cause, take, or cause to be taken, the person into custody for a  
2 period of up to 72 hours for assessment, evaluation, and crisis  
3 intervention, or placement for evaluation and treatment in a facility  
4 designated by the county for evaluation and treatment and approved  
5 by the State Department of Health Care Services. The 72-hour  
6 period begins at the time when the person is first detained. At a  
7 minimum, assessment, as defined in Section 5150.4, and  
8 evaluation, as defined in subdivision (a) of Section 5008, shall be  
9 conducted and provided on an ongoing basis. Crisis intervention,  
10 as defined in subdivision (e) of Section 5008, may be provided  
11 concurrently with assessment, evaluation, or any other service.

12 (b) When determining if a person should be taken into custody  
13 pursuant to subdivision (a), the individual making that  
14 determination shall apply the provisions of Section 5150.05, and  
15 shall not be limited to consideration of the danger of imminent  
16 harm.

17 (c) The professional person in charge of a facility designated  
18 by the county for evaluation and treatment, member of the  
19 attending staff, or professional person designated by the county  
20 shall assess the person to determine whether the person can be  
21 properly served without being detained. If, in the judgment of the  
22 professional person in charge of the facility designated by the  
23 county for evaluation and treatment, member of the attending staff,  
24 or professional person designated by the county, the person can  
25 be properly served without being detained, the person shall be  
26 provided evaluation, crisis intervention, or other inpatient or  
27 outpatient services on a voluntary basis. This subdivision does not  
28 prevent a peace officer from delivering an individual to a  
29 designated facility for assessment under this section. Furthermore,  
30 the assessment requirement of this subdivision does not require a  
31 peace officer to perform any additional duties other than those  
32 specified in Sections 5150.1 and 5150.2.

33 (d) If a person is evaluated by a professional person in charge  
34 of a facility designated by the county for evaluation or treatment,  
35 member of the attending staff, or professional person designated  
36 by the county and is found to be in need of mental health services,  
37 but is not admitted to the facility, all available alternative services  
38 provided pursuant to subdivision (c) shall be offered, as determined  
39 by the county mental health director.



1 (e) If, in the judgment of the professional person in charge of  
2 the facility designated by the county for evaluation and treatment,  
3 member of the attending staff, or the professional person designated  
4 by the county, the person cannot be properly served without being  
5 detained, the admitting facility shall require an application in  
6 writing stating the circumstances under which the person's  
7 condition was called to the attention of the peace officer, *emergency*  
8 *physician*, professional person in charge of the facility designated  
9 by the county for evaluation and treatment, member of the  
10 attending staff, or professional person designated by the county,  
11 and stating that the peace officer, *emergency physician*,  
12 professional person in charge of the facility designated by the  
13 county for evaluation and treatment, member of the attending staff,  
14 or professional person designated by the county has probable cause  
15 to believe that the person is, as a result of a mental health disorder,  
16 a danger to ~~others~~, *others* or to themselves, or *is* gravely disabled.  
17 The application shall also record whether the historical course of  
18 the person's mental disorder was considered in the ~~determination~~,  
19 *determination* pursuant to Section 5150.05. If the probable cause  
20 is based on the statement of a person other than the peace officer,  
21 *emergency physician*, professional person in charge of the facility  
22 designated by the county for evaluation and treatment, member of  
23 the attending staff, or professional person designated by the county,  
24 the person shall be liable in a civil action for intentionally giving  
25 a statement that the person knows to be false. A copy of the  
26 application shall be treated as the original.

27 (f) (1) At the time a person is taken into custody for evaluation,  
28 or within a reasonable time thereafter, unless a responsible relative  
29 or the guardian or conservator of the person is in possession of the  
30 person's personal property, the person taking them into custody  
31 shall take reasonable precautions to preserve and safeguard the  
32 personal property in the possession of or on the premises occupied  
33 by the person. The person taking them into custody shall then  
34 furnish to the court a report generally describing the person's  
35 property so preserved and safeguarded and its disposition, in  
36 substantially the form set forth in Section 5211, except that if a  
37 responsible relative or the guardian or conservator of the person  
38 is in possession of the person's property, the report shall include  
39 only the name of the relative or guardian or conservator and the

1 location of the property, whereupon responsibility of the person  
2 taking them into custody for that property shall terminate. ~~As~~

3 (2) As used in this section, “responsible relative” includes the  
4 spouse, parent, adult child, domestic partner, grandparent,  
5 grandchild, or adult brother or sister of the person.

6 (g) (1) Each person, at the time the person is first taken into  
7 custody under this section, shall be provided, by the person who  
8 takes them into custody, the following information orally in a  
9 language or modality accessible to the person. If the person cannot  
10 understand an oral advisement, the information shall be provided  
11 in writing. The information shall be in substantially the following  
12 form:

13  
14 My name is \_\_\_\_\_ .

15 I am a \_\_\_\_\_ .  
16 (peace officer/mental health professional)

17 with \_\_\_\_\_ .  
18 (name of agency)

19 You are not under criminal arrest, but I am taking you for an examination by  
20 mental health professionals at \_\_\_\_\_ .

21 \_\_\_\_\_  
22 (name of facility)

23 You will be told your rights by the mental health staff.

24  
25 (2) If taken into custody at the person’s own residence, the  
26 person shall also be provided the following information:

27  
28 You may bring a few personal items with you, which I will have  
29 to approve. Please inform me if you need assistance turning off  
30 any appliance or water. You may make a phone call and leave a  
31 note to tell your friends or family where you have been taken.

32  
33 (h) The designated facility shall keep, for each patient evaluated,  
34 a record of the advisement given pursuant to subdivision ~~(g)~~ (g),  
35 which shall include all of the following:

36 (1) The name of the person detained for evaluation.

37 (2) The name and position of the peace officer or mental health  
38 professional taking the person into custody.

39 (3) The date the advisement was completed.

40 (4) Whether the advisement was completed.

(5) The language or modality used to give the advisement.

(6) If the advisement was not completed, a statement of good cause, as defined by regulations of the State Department of Health Care Services.

(i) (1) Each person admitted to a facility designated by the county for evaluation and treatment shall be given the following information by admission staff of the facility. The information shall be given orally and in writing and in a language or modality accessible to the person. The written information shall be available to the person in English and in the language that is the person's primary means of communication. Accommodations for other disabilities that may affect communication shall also be provided. The information shall be in substantially the following form:

My name is \_\_\_\_\_.

My position here is \_\_\_\_\_.

You are being placed into this psychiatric facility because it is our professional opinion that, as a result of a mental health disorder, you are likely to (check applicable):

☐ Harm yourself.

☐ Harm someone else.

☐ Be unable to take care of your own food, clothing, and housing needs.

We believe this is true because

\_\_\_\_\_  
(list of the facts upon which the allegation of dangerous or gravely disabled due to mental health disorder is based, including pertinent facts arising from the admission interview).

You will be held for a period up to 72 hours. During the 72 hours you may also be transferred to another facility. You may request to be evaluated or treated at a facility of your choice. You may request to be evaluated or treated by a mental health professional of your choice. We cannot guarantee the facility or mental health professional you choose will be available, but we will honor your choice if we can.

During these 72 hours you will be evaluated by the facility staff, and you may be given treatment, including medications. It is possible for you to be released before the end of the 72 hours. But if the staff decides that you need continued treatment you can be held for a longer period of time. If you are held longer than 72 hours, you have the right to a lawyer and a qualified interpreter and a hearing before a judge. If you are unable to pay for the lawyer, then one will be provided to you free of charge.

1 If you have questions about your legal rights, you may contact the county  
2 Patients' Rights Advocate at \_\_\_\_\_  
3 (phone number for the county Patients' Rights  
4 \_\_\_\_\_ .  
5 Advocacy office)  
6 Your 72-hour period began \_\_\_\_\_ .  
7 (date/time)  
8

9 (2) If the notice is given in a county where weekends and  
10 holidays are excluded from the 72-hour period, the person shall  
11 be informed of this fact.

12 (j) For each person admitted for evaluation and treatment, the  
13 facility shall keep with the person's medical record a record of the  
14 advisement given pursuant to subdivision (i), which shall include  
15 all of the following:

- 16 (1) The name of the person performing the advisement.  
17 (2) The date of the advisement.  
18 (3) Whether the advisement was completed.  
19 (4) The language or modality used to communicate the  
20 advisement.  
21 (5) If the advisement was not completed, a statement of good  
22 cause.

23 (k) A facility to which a person who is involuntarily detained  
24 pursuant to this section is transported shall notify the county  
25 patients' rights advocate, as defined in Section 5500, if a person  
26 has not been released within 72 hours of the involuntary detention.  
27

28 \_\_\_\_\_  
29 **REVISIONS:**  
30 **Heading-Line 2.**  
31 \_\_\_\_\_