

AMENDED IN SENATE JULY 17, 2025

AMENDED IN ASSEMBLY MAY 7, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

**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 5113 and 5121 of the Welfare and Institutions Code, relating to behavioral health.

LEGISLATIVE COUNSEL'S DIGEST

AB 416, as amended, 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, a designated member of a mobile crisis team, or a professional person designated by the county, 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 authorizes county behavioral health director to develop procedures for the county's designation and training of professionals who will be designated to perform the above-described provisions. Existing law authorizes the procedures to include, among others, the license types, practice disciplines, and clinical experience of the professionals eligible to be designated by the county. 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 require a county behavioral health director to include an emergency physician, as defined, as ~~a professional who is one of the practice disciplines~~ eligible to be designated by the county when developing and implementing procedures for the designation and training of those professionals. 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 5113 of the Welfare and Institutions Code  
2 is amended to read:

3 5113. Except as provided in Sections 5154, 5173, 5259.3, 5267,  
4 and 5306, the facility providing treatment pursuant to Article 1  
5 (commencing with Section 5150), Article 1.5 (commencing with  
6 Section 5170), Article 4 (commencing with Section 5250), Article  
7 4.5 (commencing with Section 5260), or Article 6 (commencing  
8 with Section 5300) of Chapter 2, the superintendent of the facility,  
9 the professional person in charge of the facility and their designee,  
10 ~~the emergency physician~~ *professional person* designated pursuant  
11 to Section 5121 and responsible for the detainment of the person,  
12 or the peace officer responsible for the detainment of the person  
13 shall not be civilly or criminally liable for any action by a person  
14 released at or before the end of the period for which the person  
15 was admitted pursuant to the provisions of the appropriate article.

16 SEC. 2. Section 5121 of the Welfare and Institutions Code is  
17 amended to read:

18 5121. (a) The county behavioral health director may develop  
19 procedures for the county’s designation and training of  
20 professionals who will be designated to perform functions under  
21 Section 5150. These procedures may include, but are not limited  
22 to, the following:

23 (1) The license types, practice disciplines, and clinical  
24 experience of professionals eligible to be designated by the county.

1 (2) The initial and ongoing training and testing requirements  
2 for professionals eligible to be designated by the county.

3 (3) The application and approval processes for professionals  
4 seeking to be designated by the county, including the timeframe  
5 for initial designation and procedures for renewal of the  
6 designation.

7 (4) The county's process for monitoring and reviewing  
8 professionals designated by the county to ensure appropriate  
9 compliance with state law, regulations, and county procedures.

10 (b) A county behavioral health director may develop a training  
11 for the procedures for designation developed pursuant to  
12 subdivision (a).

13 (c) If a county behavioral health director denies or revokes an  
14 individual's designation, the county behavioral health director  
15 shall, in writing, notify the person who made the request for  
16 designation of the individual and the individual who is the subject  
17 of the request for designation describing the reasons for denial or  
18 revocation.

19 (d) Designated members of a mobile crisis team and designated  
20 professional persons shall not be prohibited from transporting a  
21 person taken into custody pursuant to Section 5150.

22 (e) If the county behavioral health director of the County of  
23 Sacramento develops procedures pursuant to subdivision (a), the  
24 county behavioral health director of the County of Sacramento  
25 shall, by April 1, 2022, issue a written policy regarding the  
26 procedures developed pursuant to subdivision (a). The policy shall  
27 address, at a minimum, the topics identified in paragraphs (1) to  
28 (4), inclusive, of subdivision (a). The policy shall require the  
29 county behavioral health director of the County of Sacramento to  
30 designate individuals employed by the City of Sacramento who  
31 are also members of a mobile crisis team or who are also  
32 professional persons if all of the following are true:

33 (1) The City of Sacramento submits a written request to the  
34 county behavioral health director.

35 (2) The individuals meet the requirements for designation  
36 included in the policy.

37 (3) If the county behavioral health director of the County of  
38 Sacramento has developed a training pursuant to subdivision (b),  
39 the individuals have completed that training.

1 (f) (1) A county behavioral health director shall include an  
2 emergency physician as ~~a professional who is~~ *one of the practice*  
3 *disciplines* eligible to be designated by the county when developing  
4 and implementing procedures pursuant to paragraph (1) of  
5 subdivision (a).

6 (2) This subdivision does not affect the training, application,  
7 ~~and approval~~ *approval, and revocation* process that applies to all  
8 professionals who are eligible to be designated by the county,  
9 including an emergency physician, in order to be designated by  
10 the county to perform functions under Section 5150.

11 (3) For purposes of this section, “emergency physician” means  
12 a physician and surgeon who provides medical screening and  
13 treatment of patients in the emergency department of a general  
14 acute care hospital licensed under Chapter 2 (commencing with  
15 Section 1250) of Division 2 of the Health and Safety Code.