

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: April 15, 2008
POSITION: Oppose

BILL NUMBER: SB 1651
AUTHOR: D. Steinberg

BILL SUMMARY: Mentally Ill Offenders

This bill would authorize superior courts to develop and implement mental health courts and would provide higher levels of mental health services to parolees diagnosed with a serious mental illness.

FISCAL SUMMARY

The California Department of Corrections and Rehabilitation (CDCR) estimates an annual cost of approximately \$10.7 million to \$13.9 million annually for the increase of staff required to implement this bill. Although the provisions of this bill are to be implemented to the extent funding is available it places a cost pressure on the General Fund. The CDCR also estimates significant additional costs related to professional consulting fees, clinical evaluation tools and treatment materials and protocols, training resources, research, facility and capital outlay, and supportive housing and services. The CDCR cannot quantify a number but they do note that the estimated costs of implementation of this bill will be offset by savings to the CDCR due to the diversion programs and a general decrease in recidivism for those offenders addressed by the programs created by this bill.

The Department of Mental Health (DMH) indicates that they cannot estimate a fiscal impact related to this bill, as the costs would be dependent on the level of consultation requested by the CDCR.

The Judicial Council does not estimate a fiscal impact for this bill. Since the bill makes the establishment of a mental health court optional, enactment of this measure in and of itself imposes no additional costs on the trial court system.

The California Constitution requires the state to reimburse local entities for increased costs associated with any new program or higher level of service imposed by the state on local entities if the California State Mandates Commission determines that the new program or higher level of service is reimbursable and a state mandate. Any local government costs resulting from the mandate in this measure would not be state-reimbursable because the mandate only involves the definition of a crime or the penalty for conviction of a crime.

COMMENTS

The Department of Finance is opposed to this bill because it results in significant costs that are not included in the Administration's current fiscal plan. While there is a potential for savings due to fewer returns to prisons and reduction in recidivism, the extent of the savings is unknown and the implementation of this bill would drive significant state General Fund costs. In addition, we note that a similar bill, SB 851 (2007) was vetoed by the Governor because it would have placed a tremendous cost pressure on the General Fund, allow people who have committed a crime to avoid punishment because of a mental health issue, and enable a defendant to not enter a plea or make an admission of guilt.

(Continued)

Analyst/Principal Date Program Budget Manager Date
(0232) A. Jarvis Todd Jerue

Department Deputy Director Date

Governor's Office: By: Date: Position Approved
Position Disapproved

BILL ANALYSIS Form DF-43 (Rev 03/95 Buff)

D. Steinberg

April 15, 2008

SB 1651

**COMMENTS** (continued)

Existing law provides for the diversion of specified criminal offenders in alternate sentencing and treatment programs, and also provides for the allocation of state funds to counties for mental health programs.

This bill would:

- Authorize superior courts to develop and implement mental health courts, and allow parolees to participate in mental health courts, as specified.
- Make various statements of legislative findings and intent regarding the need to provide mental health and related services to parolees.
- Require the CDCR to create a pilot program, to the extent funding is available, to provide comprehensive mental health and supportive services.
- Provide that the CDCR may contract with counties or private providers for these services and that the contract would pay for these services, including hospitalization and medications, not covered by Medi-Cal, Medicare, SSI, or any other entitlement to the individual being served.
- Provide that priority would be given to parolees who, while incarcerated, were deemed part of the Enhanced Outpatient Program or were in the Correctional Clinical Case Management System.
- Provide that consideration would be given for likelihood of homelessness upon release.
- Require the CDCR, to the extent that funding is available, to consult with the DMH to establish mental health service standards.
- Require that the CDCR develop comprehensive case management plans and establish prison in-reach protocols that include collaboration and cooperation with service providers who are likely to serve program participants in the designated counties.
- Require that prior to the release of each program participant, the CDCR would work with each participant, the designated mental health personal services coordinator, the relevant housing provider, and other relevant providers to develop a discharge plan, as specified.
- Require the CDCR to report to the Legislature on or before May 1, 2010, and every two years after in which additional funding is provided with reporting in the final year on or before January 1, 2014, which includes an evaluation of the effectiveness of the strategies for parolees in reducing homelessness, recidivism, involvement with local law enforcement, and other measures identified by the CDCR.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)								Fund Code
	LA	(Dollars in Thousands)								
	CO	PROP	2007-2008		2008-2009		2009-2010			
RV	98	FC	FC	FC	FC	FC	FC	FC		
5225/Corr & Rehab	SO	No	C	\$0 - 0	C	\$5,350 - 6,950	C	\$10,700 - 13,900	0001	
4440/Mental Hth	SO	No		----- See Fiscal Summary -----					0001	
8885/Comm St Mndt	SO	No		----- See Fiscal Summary -----					0001	
0270/Jud Council	SO	No		----- No/Minor Fiscal Impact -----					0001	