

SB 882 Advisory Council
On Improving Interactions Between People with Intellectual
And Developmental Disabilities and Law Enforcement

Legislative Update to Council

October 18, 2024

Recently Passed Legislation Signed by the Governor

AB 2541 (Bains, Chapter 333, Statutes of 2024) Peace Officer Training: Wandering

Summary: AB 2541 requires the Commission on Peace Officer Standards and Training (POST), in consultation with specified experts, to develop guidelines addressing wandering associated with Alzheimer’s disease, autism, and dementia. It lists minimum requirements for the guidelines.

Status: Since the last legislative update to the Council on July 25, this bill has been passed and approved by the Governor.

Note: The Governor signed a package of 12 bills, including AB 2541, to help better serve the growing number of California adults over 60 and their families, further advancing California’s Master Plan for Aging. Information on the other bills can be found in the Governor’s [press release](#).

AB 443 (Jackson, Chapter 439, Statutes of 2023) Peace Officers: Determination of Bias

Summary: Existing law authorizes the Commission on Peace Officer Standards and Training (POST) to suspend or revoke the certification of a peace officer if the officer has been terminated for cause or engaged in serious misconduct, which includes demonstrating bias based on protected status, including mental or physical disability. AB 443 requires POST to establish a definition of “biased conduct” and requires law enforcement agencies to use that definition in any investigation into a bias-related complaint or incident.

Status: Passed and approved by the Governor.

SB 1318 (Wahab, Chapter 645, Statutes of 2024) Pupil Health: Suicide Prevention Policies

Summary: SB 1318 requires the State Department of Education to update its model policy to address crisis intervention protocols in the event of a pupil (kindergarten and grades 1-12) suicide crisis, limiting the involvement and notification of law enforcement to situations in which a pupil’s life is in imminent danger and their needs cannot be addressed by a mental health professional. The model policy also needs to include an assessment process that law enforcement

officers should follow to determine whether the pupil experiencing a suicide crisis is endangered by parental notification. SB 1318 also requires the governing board or body of a local educational agency to update their pupil suicide prevention policy to include these crisis intervention protocols.

Status: Passed and approved by the Governor.

Note: The Governor signed a package of bills, including SB 1318, to increase and streamline access to behavioral health care services and CARE Court. Information on the other bills can be found in the Governor's [press release](#).

Dead or Inactive Legislation

AB 1788 (Quirk-Silva, 2024) Mental Health Multidisciplinary Personnel Team

Summary: This bill would have authorized counties to establish a mental health multidisciplinary personnel team to facilitate and link justice-involved persons diagnosed with a mental illness to supportive services within that county while incarcerated and upon release from county jail. This bill would have also allowed the sharing of confidential information among members of the personnel team and provider agencies, such as probation and law enforcement, for the purpose of coordinating supportive services.

Status: Since the last legislative update to the Council on July 25, the Governor has vetoed this bill. The Governor's [veto message](#) states that this bill would be premature and potentially duplicative because the Department of Health Care Services is currently implementing an initiative which provides pre-release Medi-Cal enrollment to ensure justice-involved individuals have continuity of coverage upon release and access to essential health services.

SB 402 (Wahab, 2024) Involuntary Commitment

Summary: This bill would have, until January 1, 2030, allow "licensed mental health professionals," as defined in the bill, to authorize the involuntary commitment and treatment of persons with specified mental disorders (sometimes called a "5150 hold"). Currently, the law provides this authority to among others, peace officers and designated members of a mobile crisis team, and this bill would have added "licensed mental health professionals" to the list. Licensed mental health professionals who are not direct staff of, or contracted by, a county would have been required to complete a specified training to program to exercise their authority to take a person into custody.

This bill would have also required the State Department of Health Care Services to collect additional data related to involuntary commitments, namely the number of holds initiated by a peace officer. Each law enforcement agency would have been required to provide this data accurately and completely to the Department.

Status: During the last legislative update to the Council on July 25, this bill was awaiting a hearing date in Assembly Appropriations Committee. This bill is now dead. It has passed the Senate but is held under submission in the Assembly Appropriations Committee. The Assembly Appropriations bill analysis (8/07/2024) included the following fiscal effect estimates: (1) the Department of Health Care Services estimated General Fund costs of \$184,000 in fiscal year (FY) 2024-25, \$287,000 in FY 2025-26, \$1,291,000 in FY 2026-27 and \$1,237,000 in FY 2027-28 and ongoing and (2) the County Behavioral Health Directors Association estimated annual ongoing costs of \$3.4 million to \$4.6 million for counties to hire additional staff to meet proposed new data collection and reporting requirements. According to the Legislative Analyst's Office, the General Fund faces a structural deficit in the tens of billions of dollars over the next several fiscal years.

AB 3241 (Pacheco, 2024) Law Enforcement: Police Canines

Summary: This bill would have required each law enforcement agency with a canine unit to annually publish on its internet website a report of the number of incidents of use of force involving a canine. It would have also required the Commission on Peace Officer Standards and Training (POST) to study and issue recommendations to the Legislature on the use of canines by law enforcement.

Status: After passing the Assembly and read in the Senate for the second time, the bill was ordered to the inactive file. The latest Senate Appropriations Committee analysis for the suspense file (8/15/2024) described the fiscal impact as potentially significant one-time costs from the General Fund to POST to study and issue recommendations.

AB 2042 (Jackson, 2024) Police Canines: Guidelines

Summary: This bill would have required POST to develop guidelines for the use of canines by law enforcement. The bill would have also required law enforcement agencies with a canine unit to adopt a policy for the use of canines that, at a minimum, complied with the guidelines developed by POST.

Status: After passing the Assembly, the bill was held on suspense in the Senate. Senate Appropriations Committee analysis flagged potential one-time costs to implement in the hundreds of thousands to millions of dollars.

AB 21 (Gipson, 2022) Peace Officers Training on Alzheimer's Disease and Dementia

Summary: This bill would have required POST to revise its crisis intervention behavioral health training to include instruction on how to effectively interact with persons with Alzheimer's disease or dementia.

Status: This bill was introduced in 2022 and held under submission in the Assembly Appropriations Committee in 2023. It was filed as dead in 2024. The Assembly Appropriations bill analysis (3/20/2023) described the fiscal impact as one-time costs from the General Fund of approximately \$250,000 for POST to create the training course, additional one-time and ongoing costs to local law enforcement agencies for peace officers to take the course, overtime costs of \$13.5 million between 2025 and 2030, and ongoing costs of approximately \$1 million to local agencies after 2030 for new officers to take the training.