

County Executive
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Governmental Relations and
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Elisia De Bord



County of Sacramento

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April 14, 2025

The Honorable Thomas Umberg, Chair
Senate Judiciary Committee
1021 O Street, Room 3240
Sacramento, CA 95814

Re: SB 367 (Allen) Mental Health - Oppose

Dear Senator Umberg:

On behalf of the Sacramento County Board of Supervisors, I respectfully write to oppose SB 367 (Allen), which seeks to change 5150 assessment criteria and broadens the definition of individuals who could be placed under conservatorship.

In 1967, the Lanterman-Petris-Short (LPS) Act was enacted to create a legal framework for due process when an individual is involuntarily detained due to the determination that they are a danger to themselves, others, or gravely disabled. Section 5150(a) of the LPS Act allows certain individuals to detain a person against their will if they believe a person presents harms to themselves, others or is gravely disabled. Existing law also provides a procedure for the appointment of a conservator for a person who is determined to be gravely disabled as a result of a mental disorder or an impairment by chronic alcoholism. LPS conservatorship is currently available for a gravely disabled person if the professional person caring for them determines that the individual is unwilling to accept, or is incapable of accepting, treatment voluntarily.

This bill broadens the population of individuals that may be placed under LPS conservatorship and expands the list of authorized individuals who can recommend conservatorship. Current law requires the professional examination and evaluation to determine whether an individual is gravely disabled, as defined, and that they are unwilling or incapable of accepting treatment voluntarily. The language proposed in SB 367 would also allow a person to be placed under conservatorship who has **"demonstrated an inability to follow through with state plans of self-care;" meaning, "plans of self-care" that are not otherwise defined or referenced in this bill or existing law.** Additionally, this bill would allow more individuals to make conservatorship recommendations, including judicial officers, and any treating physician, regardless **of the physician's area of specialty, relationship to the individual, or the nature of the condition treated.** We are concerned that these provisions are too vague and expansive, which will lead to a significant increase in the numbers of individuals

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inappropriately referred for conservatorship investigations. Too many referrals to be handled will create a backlog and could delay those who may actually need to be conserved.

This bill as it proposes a new definition for a 5150 assessment to require counties to consider **"reasonably available, relevant information about the historical course of the person's medical, psychological, educational, social, financial, and legal conditions, as well as their ability to provide for their basic personal needs, including food, clothing, shelter, personal safety, or necessary medical care."** Because the purpose of the LPS Act is to ensure due process for individuals who are being involuntarily detained and assessed for involuntary treatment, this added criteria will have the unintended consequence of making it more challenging and difficult to prove that counties and designated individuals have in fact considered all reasonably available and **relevant information regarding the historical course of a person's background** in making the decision to place an individual on a hold. In fact, most of the information required under this bill would not be readily accessible to the county, but could be used as a legal challenge to a hold.

For these reasons, Sacramento County opposes SB 367. Please feel free to contact me at (916) 874-4627 or deborde@saccounty.gov.

Respectfully,



Elisia De Bord

Governmental Relations and Legislative Officer

cc: The Honorable Benjamin Allen
Members, Senate Judiciary Committee
Sacramento County Delegation
Chair and Members, Board of Supervisors
Audrey Ratajczak, Cruz Strategies