SB 1045 (WIENER) as amended July 2, 2018 – OPPOSE
July 20, 2018

Honorable Lorena Gonzalez Fletcher
Chair, Appropriations Committee
California State Assembly
Capitol Building, Room 2114
Sacramento, CA 95814

RE: SB 1045 (WIENER) as amended July 2, 2018 – OPPOSE

Dear Assembly Member Gonzales Fletcher:

The signatory members listed below all advance and protect the civil rights of Californians with disabilities and who are experiencing homelessness and lack necessary physical and behavioral health services and regret to inform you that we respectfully oppose SB 1045. This bill is scheduled for hearing in the Assembly Appropriations Committee.

Amendments were taken in the Senate Judiciary, Public Safety and Appropriation Committees, and the Assembly Health and Judiciary Committees. Those amendments do not remove our opposition.

We greatly appreciate the efforts of the committee chairs and their staff that have analyzed this bill and the efforts of the author and his sponsor to recognize the concerns that we have raised with the approach in this bill to create outside of the Lanterman-Petris-Short Act (LPS) and the Assisted Outpatient Treatment Demonstration Project Act (AOT), a new statutory process for the appointment of a conservator for a person who is incapable of caring for their own health and well-being due to acute and severe mental illness and a severe substance abuse disorder. The amendments to the bill currently contain a number of protections in this expansion but are insufficient to overcome the important risks that it poses.

Thus, unfortunately, we remain opposed to SB 1045 because it: 1) expands involuntary holds, treatment and conservatorships; 2) restricts the personal autonomy rights of persons with disabilities; 3) is unnecessary because all of the stated needs of the bill can be accomplished within existing law; and 4) does not ensure that there are available resources to implement the program in the two counties that would be authorized to implement it, Los Angeles County and the City and County of San Francisco.
LPS was built upon furthering the personal autonomy rights of all people with disabilities, and particularly the right to self-direction and self-determination. This bill rests on the assumption that mental illness may cause resistance to care when in fact the lack of housing, services or medical care is responsible for the absence of care, or the intrusive conditions placed on receiving care results in individuals living on the streets in order to retain some level of self-determination. We have gone down this path before. In 1959, as many as 37,500 Californians were held involuntarily in state-run institutions – some for their entire lives – in conditions widely found to be despicable and inhumane. It was an expensive and failed system. California appropriately emptied many of these mental health institutions in the 1970s.

The problem with deinstitutionalization was not that individuals moved out of locked wards; it was that the promised community-based services and housing never materialized. The current housing crisis has only exacerbated this shortage. We assert there is no point to more aggressive intervention if there is no place to house and treat the people who need help.

**Bill Costs**

Before SB 1045 was significantly amended in the Assembly Health and Judiciary Committees the Senate Appropriations state the fiscal impact as “The Judicial Council estimates potential ongoing workload costs to the court in San Francisco and Los Angeles counties of up to $382,000 to preside over the new conservatorship process established by this bill. (General Fund)”. Those costs remain and are most likely increased by the amendments.

For these reasons, we collectively and respectfully oppose SB 1045. Please contact us if you have any questions about our position or if we can provide any further information.

Sincerely,

**American Civil Liberties Union**  
**California Advocates for Nursing Home Reform**  
**California Association of Mental Health Patients’ Rights Advocates**  
**California Association of Mental Health Peer Run Organizations**
California Association of Social Rehabilitation Agencies
California Pan-Ethnic Health Network
Coalition on Homelessness San Francisco
Disability Community Resource Center
Disability Rights advocates
Disability Rights California
Disability Rights Education and Defense Fund
Law Foundation of Silicon Valley
National Health Law Program
Sacramento Regional Coalition to End Homelessness
SEIU California
Western Center on Law and Poverty
Western Regional Advocacy Project

cc: Honorable Scott Wiener, California State Senate
    Honorable Henry I. Stern, California State Senate
    Brayden Borcherding, Legislative Director, Office of Senator Wiener
    Honorable Members, Assembly Appropriations Committee
    Lisa Murawski, Principal Consultant, Assembly Appropriations Committee
    Shaun Naidu, Consultant, Senate Appropriations Committee
    Karen Lange, Shaw/Yoder/Antwih