



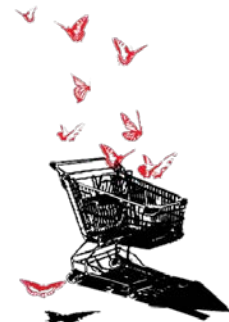
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SB 1045 (WIENER) as amended July 2, 2018 – OPPOSE

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 Borcharding, 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