



COUNTY OF SAN BERNARDINO

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Director of Legislative Affairs

February 19, 2010

The Honorable Robert Dutton
California State Senate
State Capitol
Sacramento, CA 95814

RE: SB 1265 (Dutton) – As Introduced February 19, 2010– SPONSOR

Dear Senator Dutton:

The San Bernardino County Board of Supervisors is pleased to sponsor SB 1265. As you know, the State of California’s Forensic Conditional Release Program (CONREP) is the state Mental Health Department’s program that provides mental health treatment and supervision for judicially committed mentally disordered offenders. The goal of CONREP is to ensure greater public protection in California communities via an effective and standardized community outpatient treatment system.

Like many counties, the San Bernardino County’s Department of Behavioral Health (DBH) provides CONREP services under a contract with the state. A number of safeguards are built into the terms and conditions of an individual’s treatment plan to protect the public and achieve the lowest possible levels of reoffending. However, a recent incident in the City of Upland has exposed significant deficiencies in existing law.

Unfortunately, existing state law prevents the proper notifications of local law enforcement when CONREP placements are made. Further, there is no regulation precluding CONREP participants from residing near a school or restricting the number of participants who can reside in the same location. This current practice is irresponsible and has placed our communities at risk. SB 1265 will grant the authority needed to properly notify local law enforcement agencies of program participants who reside within the agency’s jurisdiction, prohibit program participants from residing within 2,000 feet of any public or private school, as well as regulates the number of CONREP patients who can reside at the same location to three.

The safety of our community is a high priority for the County of San Bernardino, and we believe this legislation is an important step to protecting our residents. For these reasons, the San Bernardino County Board of Supervisors is pleased to sponsor SB 1265. If you have any questions, please do not hesitate to contact Lance Larson, the County’s Director of Legislative Affairs at (909) 387-4821. The Board thanks you for your attention in this matter.

Sincerely,

[Handwritten signature of Gary C. Ovitt]

GARY C. OVITT
Chairman, Board of Supervisors

[Handwritten signature of Paul Biane]

PAUL BIANE
Second District Supervisor

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An act to amend Section 4360 of the Welfare and Institutions Code,
relating to judicially committed patients.



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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 4360 of the Welfare and Institutions Code is amended to read:

4360. (a) The department shall provide mental health treatment and supervision in the community for judicially committed persons. The program established and administered by the department under this chapter to provide these services shall be known as the Forensic Conditional Release Program and may be used by the department in accordance with this section to provide services in the community to other patient populations for which the department has direct responsibility.

(b) The department may provide directly, or through contract with private providers or counties, for these services, including administrative and ancillary services related to the provision of direct services. These contracts shall be exempt from the requirements contained in the Public Contract Code and the State Administrative Manual, and from approval by the Department of General Services. Subject to approval by the department, a county or private provider under contract to the department to provide these services may subcontract with private providers for those services.

(c) Notwithstanding Section 5328, programs providing services pursuant to this section may inform local law enforcement agencies of program participants who reside within that agency's jurisdiction.

(d) All of the following shall apply to the Forensic Conditional Release Program:

(1) The number of program participants residing in independent group living program facilities shall be no more than three.



(2) Independent group living program facilities shall only house one program participant per room.

(3) Program participants shall be prohibited from residing within 2,000 feet of any public or private school.

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