

**Client and Family Leadership Committee (CFLC)
Thursday, February 14, 2019**

Agenda Item 1: Discussion of Assembly Bill 46 (Carrillo)

A. Introduction

The Commission voted to sponsor Assembly Bill 46 which seeks to enact legislation to replace derogatory terms, including “mental disorder” and “mental defect” with more culturally sensitive terms when referring to individuals with mental illness.

Assemblymember Carrillo and the Commission are soliciting input on the enclosed draft proposed language for Assembly Bill 46. According to the author, the bill updates sections of the California law to reflect people-first terminology used to promote the dignity of all Californians experiencing mental health challenges.

B. Summary of Proposed Changes

The majority of the proposed changes:

- “mental disorder” replaced with “mental health disorder”
- “severe mental disorder” replaced with “severe mental health disorder”

Additional proposed changes:

- “mentally disordered” replaced with “persons with mental health disorder”
- “mentally disordered prisoners” replaced with “prisoners with mental health disorder”
- “mentally disordered offender” replaced with “an offender with mental health disorder” and “defendants or convicted prisoners with mental health disorders”
- “mental disorder or mental defect” replaced with “a mental health disorder”
- “insane, mentally incapacitated” or “mental incompetence” replaced with “has a mental health disorder, lacks mental capacity” (Harbors and Navigation Code Section 4005; Revenue and Taxation Code Section 253)

Below is a chart showing the current language in various California Code sections, the draft proposed language for the bill, and the page number where the proposed language is the draft bill.

Page No. of Draft Bill	Current Language	Proposed Language
Page 1	Harbors and Navigation Section 4005 “If the owner is a minor, <i>insane, mentally incapacitated</i> or...”	Harbors and Navigation Section 4005 “If the owner is a minor, has a <i>mental health disorder, lacks mental capacity, or ...</i> ”
Page 2	Penal Code Section 1026(a) “(a) ... for the care and treatment of the <i>mentally disordered ...</i> ”	Penal Code Section 1026 “(a) ... for the care and treatment of persons with <i>mental health disorders ...</i> ”
Pages 6, 7	Penal Code Section 1367(a),(b) “(a)... A defendant is mentally incompetent for purpose of this chapter if, as a result of <i>mental disorder ...</i> the defendant is unable to ... (b) ... is incompetent as a result of <i>mental disorder. ...</i> the defendant is <i>mentally disordered</i> and may, as result of the <i>mental disorder ...</i> person who is incompetent as a result of a <i>mental disorder, but is also developmentally disabled.</i> ”	Penal Code Section 1367(a),(b) “(a)... A defendant is mentally incompetent for purpose of this chapter if, as a result of a <i>mental health disorder ...</i> the defendant is unable to ... “(b) ... is incompetent as a result of <i>mental health disorder. ...</i> the defendant has a <i>mental health disorder</i> and may, as result of the <i>mental health disorder ...</i> person who is incompetent as a result of a <i>mental health disorder, but also has a developmental disability.</i> ”
Page 7	Penal Code Section 2625(a) “(a) ... state hospital for the care and treatment of the <i>mentally disordered ...</i> ”	Penal Code Section 2625(a) “(a) ... state hospital for the care and treatment of <i>persons with mental health disorders ...</i> ”
Page 11	Penal Code Section 2960(a), (b) “(a) ... treatable, <i>severe mental disorder</i> that was the cause of ... if the <i>severe mental disorders</i> of those prisoners ... until the <i>severe mental disorder</i> which was one of the causes... (b) ... evaluate each prisoner for <i>severe mental disorders</i> during the first ... and that <i>severely mentally disordered prisoners</i> should be provided ... ”	Penal Code Section 2960(a) “(a) ... treatable, <i>severe mental health disorder</i> that was the cause of ... if the <i>severe mental health disorders</i> of those prisoners... until the <i>severe mental health disorder</i> that was one of the causes... (b) ... evaluate each prisoner for <i>severe mental health disorders</i> during the first and that <i>prisoners with severe mental health disorders</i> should be provided ... ”
Page 12	Penal Code Section 2962(a)(1),(2),(3) “(a)(1) The prisoner has a <i>severe mental disorder</i> ...	Penal Code Section 2962(a)(1),(2),(3) “(a)(1) The prisoner has a <i>severe mental health disorder</i> ...

Page No. of Draft Bill	Current Language	Proposed Language
	<p>(2) The term <i>severe mental disorder</i> means... The term <i>severe mental disorder</i>, as used in this section...</p> <p>(3) ... overt signs and symptoms of the <i>severe mental disorder</i> are controlled..."</p>	<p>"(2) The term <i>severe mental health disorder</i> means... The term <i>severe mental health disorder</i>, as used as used in this section ...</p> <p>(3)... overt signs and symptoms of the <i>severe mental health disorder</i> are controlled..."</p>
Page 13	<p>Penal Code Section 2962(b), (c) “(b) The <i>severe mental disorder</i> was one of the cause...” “(c) ... treatment for the <i>severe mental disorder</i>...”</p>	<p>Penal Code Section 2962(b), (c) “(b) The <i>severe mental health disorder</i> was one of the cause...” “(c) ... treatment for the <i>severe mental health disorder</i>...”</p>
Pages 13, 14, and 15	<p>Penal Code Section 2962(d) “(d)(1) ...that the prisoner has <i>severe mental disorder</i>, ...that the <i>severe mental disorder</i> was one of the causes ...the prisoner has been in treatment for the <i>severe mental disorder</i> for 90 days ... that by reason of his or her <i>severe mental disorder</i>...</p> <p>(2)...the prisoner has a <i>severe mental disorder</i>, ... that the <i>severe mental disorder</i> was a cause of...</p> <p>(3)...if the prisoner meets certain criteria to be involuntarily treated as a <i>mentally disordered offender</i>....”</p>	<p>Penal Code Section 2962(d) “(d)(1) ...that the prisoner has <i>severe mental health disorder</i>, ...that the <i>severe mental health disorder</i> was one of the causes ...the prisoner has been in treatment for the <i>severe mental health disorder</i> for 90 days ... that by reason of the prisoner’s <i>severe mental health disorder</i>...</p> <p>(2)...the prisoner has a <i>severe mental health disorder</i>, ... that the <i>severe mental health disorder</i> was a cause of...</p> <p>(3)...if the prisoner meets certain criteria to be involuntarily treated an <i>offender with mental health disorder</i>....”</p>
Page 19	<p>Penal Code Section 2966(c) “(c)... if the parolee has a <i>severe mental disorder</i>, whether the parolee’s <i>severe mental disorder</i> is not in remission... whether by reason of his or her <i>severe mental disorder</i>...”</p>	<p>Penal Code Section 2966(c) “(c)... if the parolee has a <i>severe mental health disorder</i>, whether the parolee’s <i>severe mental health disorder</i> is not in remission... whether by reason of the parolee’s <i>severe mental health disorder</i>...”</p>
Page 19	<p>Penal Code Section 2968 “If the prisoner’s <i>severe mental disorder</i> is put into remission...”</p>	<p>Penal Code Section 2968 “If the prisoner’s <i>severe mental health disorder</i> is put into remission...”</p>

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Pages 20, 21	<p>Penal Code Section 2970(a), (b) “(a) ... prisoner’s <i>severe mental disorder</i>...</p> <p>(b)... prisoner has a <i>severe mental disorder</i>, that the <i>severe mental disorder</i> is not in remission... his or her <i>severe mental disorder</i>...”</p>	<p>Penal Code Section 2970(a), (b) “(a) ... prisoner’s <i>severe mental health disorder</i> ...</p> <p>(b)... prisoner has a <i>severe mental health disorder</i>, that the <i>severe mental health disorder</i> is not in remission... the person’s <i>severe mental health disorder</i>...”</p>
Pages 22, 23	<p>Penal Code Section 2972(c), (e), (f) “(c) ... the patient has a <i>severe mental disorder</i>, that the patient’s <i>severe mental disorder</i> is not in remission... his or her <i>severe mental disorder</i>...</p> <p>(e) ... the patient’s <i>severe mental disorder</i> ... and whether by reason of his or her <i>severe mental disorder</i>...</p> <p>(f) ... the underlying causes of the person’s <i>mental disorder</i>.”</p>	<p>Penal Code Section 2972(c) “(c) ... the patient has a <i>severe mental health disorder</i>, that the patient’s <i>severe mental health disorder</i> is not in remission... patient’s <i>severe mental health disorder</i>...</p> <p>(e) ... the patient’s <i>severe mental health disorder</i> ... and whether by reason of the patient’s <i>severe mental health disorder</i>...</p> <p>(f) ... the underlying causes of the person’s <i>mental health disorder</i>.”</p>
Pages 24, 25	<p>Penal Code Section 2978(a), (b) “(a) ...diagnosis and treatment of <i>mental disorders</i>...</p> <p>(b) ... diagnosis and treatment of <i>mental disorders</i> ...”</p>	<p>Penal Code Section 2978(a), (b) “(a) ...diagnosis and treatment of <i>mental health disorders</i>...</p> <p>(b) ... diagnosis and treatment of <i>mental health disorders</i> ...”</p>
Page 25	<p>Penal Code Section 4011.6 “... that a person in custody in that ... facility may be <i>mentally disordered</i>...”</p>	<p>Penal Code Section 4011.6 “... that a person in custody in that ... facility may have a <i>mental health disorder</i>...”</p>
Page 29	<p>Penal Code Section 4497(b) “(b) ... facilities designated to house persons charged with or convicted of a crime and <i>who are mentally ill</i>, ...”</p>	<p>Penal Code Section 4497(b) “(b) ... facilities designated to house persons charged with or convicted of a crime and <i>who experiencing mental illness</i>, ...”</p>
Page 31	<p>Penal Code Section 4497.10(c) “(c) ...separate housing for <i>mentally disordered defendants</i> or ... If the county has no existing provisions for separate housing of <i>mentally disordered prisoners</i>, it shall ...”</p>	<p>Pena; Code Section 4497.10(c) “(c) ...separate housing for defendants or convicted prisoners with <i>mental health disorder</i> ... If the county has no existing provisions for separate housing of <i>prisoners with mental health disorders</i>, it shall ...”</p>

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Page 36	<p>Penal Code Section 6102(a) “... who are any of the following: (a) <i>Mentally disordered ...</i>”</p>	<p>Penal Code Section 6102(a) “... who are any of the following: (a) <i>Persons with mental health disorder...</i>”</p>
Page 37	<p>Probate Code Section 6100.5(b) “(b) ... admissibility of evidence to prove the existence of <i>mental incompetence or mental disorders.</i>”</p>	<p>Probate Code Section 6100.5(b) “(b) ... admissibility of evidence to prove the existence of <i>mental incompetence or mental health disorders.</i>”</p>
Pages 37, 38	<p>Revenue and Taxation Code Section 253 “... if the person entitled to the exemption is <i>insane or mentally incompetent...</i>”</p>	<p>Revenue and Taxation Code Section 253 “... if the person entitled to the exemption has a <i>mental health disorder or lacks mental capacity...</i>”</p>
Page 38	<p>Welfare and Institutions Code Section 4242(b) “(b) ‘<i>Serious mental disorder</i>’ means a <i>mental disorder</i> that is severe in degree... <i>Serious mental disorders</i> include schizophrenia, major affective disorders, and other severely disabling <i>mental disorders.</i>”</p>	<p>Welfare and Institutions Code Section 4242(b) “(b) ‘<i>Serious mental health disorder</i>’ means a <i>mental health disorder</i> that is severe in degree... <i>Serious mental health disorders</i> include schizophrenia, major affective disorders, and other severely disabling <i>mental health disorders.</i>”</p>
Page 38	<p>Welfare and Institutions Code Section 5213(a) “(a) ... in need of treatment because he or she is, as a result of <i>mental disorder...</i>”</p>	<p>Welfare and Institutions Code Section 5213(a) “(a) ... in need of treatment because the person is, as a result of a <i>mental health disorder...</i>”</p>
Pages 40, 41	<p>Welfare and Institutions Code Section 5300(a), (b) “(a)(1) ... as a result of <i>mental disorder or mental defect</i>, presents... (2) ... as a result of <i>mental disorder or mental defect</i>, a demonstrated ... (3) ...the person presents, as a result of <i>mental disorder or mental defect</i>, a demonstrated ...</p> <p>(b) ... treatment for the underlying causes of the <i>person’s mental disorder.</i>”</p>	<p>Welfare and Institutions Code Section 5300(a), (b) “(a)(1) ... as a result of a <i>mental health disorder</i>, presents... (2) ... as a result of a <i>mental health disorder</i>, a demonstrated ... (3) ...the person presents, as a result of a <i>mental health disorder</i>, a demonstrated ...</p> <p>(b) ... treatment for the underlying causes of the <i>person’s mental health disorder.</i>”</p>