

California State Senate



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THIRTY-SEVENTH SENATE DISTRICT

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FACT SHEET

Senate Bill 640 – Seriously Mentally Ill ‘Gravely Disabled’ Definition

SUMMARY

Senate Bill 640 would clarify the definition of ‘gravely disabled’ to focus on an individual’s capacity to make informed decisions about his or her personal wellbeing.

BACKGROUND

In 1967, California addressed involuntary civil commitments when it passed the bipartisan Lanterman Petris Short (LPS) Act. The LPS Act was intended to end inappropriate, indefinite, and involuntary commitments. It also was to provide prompt evaluations and treatment, guarantee and protect public safety, safeguard individual rights through judicial review and establish conservatorship programs. In total LPS sought to encourage full use of current resources and to protect vulnerable individuals from criminal acts.

While the intentions of the LPS Act were to restore individual liberties, it resulted in a system that fails to properly address the most seriously mentally ill individuals in our society.

The current definition in the Welfare and Institutions Code 5008(h)(1) defines ‘*gravely disabled*’ as “a condition in which a person, as a result of a mental health disorder, is unable to provide for his or her basic needs of food, clothing and shelter.”

While this statute serves to protect individual liberties by setting a standard for establishing a conservatorship, it has created a system that, instead

of helping the most seriously mentally ill, relegates them to the streets, jails and emergency rooms if they are marginally able to accept medical care on their own.

THIS BILL

SB 640 would clarify the definition of ‘gravely disabled’ to align it with the original intent of the LPS Act. If an individual, as a result of a mental health disorder, is incapable of making informed decisions about their own personal wellbeing, there should be better metrics to help those who are simply incapable of helping themselves. This is especially important when the absence of significant supervision and assistance puts the individual at risk of substantial bodily harm. This failure has converted our jails and prisons into makeshift mental institutions, and left a high number of seriously mentally ill homeless individuals with no means of treatment or care.¹

These definitional changes will expand treatment opportunities for our most vulnerable and help diminish the inhumane neglect they currently suffer.

SUPPORT

None on file

CONTACT

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¹ <https://calmatters.org/articles/california-mental-health-treatment-in-prisons/>