

ASSEMBLY THIRD READING

AB 2217 (Zbur)

As Amended May 18, 2026

Majority vote

SUMMARY

Establishes the Alternatives to Arrest pilot program as the successor to the Law Enforcement Assisted Diversion pilot program, expands the ability of law enforcement to make social contact referrals, and expands the list of offenses that are eligible for law enforcement prebooking diversion.

Major Provisions

- 1) Establishes the Alternatives to Arrest (ATA) pilot program as the successor to the Law Enforcement Assisted Diversion (LEAD) pilot program.
- 2) Specifies that an ATA program principle is employing human and social service resources that prioritize addressing unmanaged mental illness and substance use, and navigating people into stable housing, as needed, in a manner that improves individual outcomes and community safety, and promotes community wellness.
- 3) Requires the Board of State and Community Corrections (BSCC) to award a grant or grants to the agency administering qualifying programs in the City of Los Angeles and the County of Los Angeles, in addition to the existing requirement to award grants, on a competitive basis, to other jurisdictions to be identified by BSCC.
- 4) Specifies that BSCC shall take into consideration leadership by a public health or behavioral agency, as well as a jurisdiction's capacity and commitment to coordinate public health, for purposes of the requirement that BSCC take into consideration certain criteria when establishing standards, schedules, and procedures for awarding grants.
- 5) Expands the ability of law enforcement officers to make social contact referrals to an ATA program, as follows:
 - a) Specifies that, absent probable cause to arrest, a law enforcement officer may refer an individual to an ATA whom they believe would benefit from case management services and is at high risk of arrest in the future, and who expresses interest in voluntarily participating in the program.
 - b) Removes the following requirements for social contact referrals to an ATA program:
 - i) That the officer believes an individual is at a high risk of arrest in the future for one of the crimes eligible for prebooking diversion or social contact referrals.
 - ii) That the social contact referral to LEAD meets the following criteria:
 - (1) Law enforcement verifies that the individual has had prior involvement with low-level drug activity or prostitution, which shall consist of any of the following:

- (a) Criminal history records, including, but not limited to, prior police reports, arrests, jail bookings, criminal charges, or convictions indicating that they were engaged in low-level drug or prostitution activity.
 - (b) Law enforcement has directly observed the individual's low-level drug or prostitution activity on prior occasions.
 - (c) Law enforcement has a reliable basis of information to believe that the individual is engaged in low-level drug or prostitution activity, as specified.
 - (2) The individual's prior involvement occurred within the LEAD pilot program area.
 - (3) The individual's prior involvement occurred within 24 months of the referral.
 - (4) The individual does not have a pending case in drug court or mental health court.
 - (5) The individual is not prohibited, by means of an existing no-contact order, temporary restraining order, or antiharassment order, from making contact with a current LEAD participant.
- 6) Provides that the following offenses are eligible for prebooking diversion, rather than both prebooking diversion and social contact referral, and modifies the offenses eligible for prebooking diversion, as follows:
- a) Specifies that the offense of possession of a controlled or prohibited substance includes possession of drug paraphernalia.
 - b) Expands the list of eligible offenses to include:
 - i) Shoplifting or petty theft.
 - ii) Misdemeanor trespass.
 - iii) Burglary in the second degree.
 - iv) Other violations identified by the local jurisdiction with agreement of the police chief or sheriff, as applicable, the city attorney or district attorney, as applicable, and the implementing public health or behavioral health agency administering case management services.
 - v) Soliciting anyone to engage in or engaging in lewd or dissolute conduct in a public place or place open to the public, as specified.
 - vi) Accosting another person in a public place or place open to the public for the purpose of begging or soliciting alms.
 - vii) Loitering in or about a toilet open to the public for the purpose of engaging in or soliciting a lewd, lascivious, or unlawful act.
 - viii) Lodging in a building, structure, vehicle, or place, whether public or private, without the permission of the owner, as specified.

- ix) Being found in a public place under the influence of alcohol or drugs, as specified, in a condition that they are unable to exercise care for their own safety or the safety of others, or by reason of being under the influence, interfering with, obstructing, or preventing the free use of a street, sidewalk, or other public way.
 - i) Loitering, prowling, or wandering upon the private property of another, at any time, without visible or lawful business with the owner or occupant, as specified.
- b) Removes the following crimes from the list of eligible offenses:
- i) Soliciting, agreeing to engage in, or engaging in, an act of prostitution with another person who is 18 years of age or older in exchange for the individual providing compensation, money, or anything of value to the other person, as specified.
 - ii) Soliciting, agreeing to engage in, or engaging in, an act of prostitution with another person who is a minor in exchange for the individual providing compensation, money, or anything of value to the minor, as specified.
- 7) Specifies that the authorization for grant funding to be used to support training and technical assistance from experts in the implementation of LEAD includes the implementation of similar or complementary programs, including experts from other jurisdictions, and authorizes grant funding to be used to support planning and development of projects to provide services pursuant to the ATA program.
- 8) Requires BSCC, on or before September 1, 2031, to submit a report to the Legislature on the effectiveness of the ATA program, as specified, and specifies that effectiveness may be evaluated through outcomes that include case management activities, housing and income stability, educational attainment, and progress toward employment.
- 9) Specifies that upon appropriation by the Legislature, funds appropriated for this chapter shall be granted by BSCC to the entity responsible for LEAD or ATA in the City or County of Los Angeles for the continuation and expansion of LEAD or ATA in those jurisdictions and to agencies in jurisdictions to be identified by the board to implement ATA.
- 10) Specifies that the BSCC may spend a portion of the funds appropriated for contracts with experts on the implementation and evaluation of ATA or similar programs in other jurisdictions for the purpose of providing technical assistance to participating jurisdictions.
- 11) Specifies that the allocation to BSCC to administer the grant program shall be limited to five percent of the budget allocation or less, and the cost of technical assistance consultation shall be limited to 0.75% of the total allocation.
- 12) Specifies that local jurisdictions shall commit to using these funds and local resources to support ATA or LEAD planning, implementation, and services and shall not supplant local resources that had been previously dedicated to ATA or LEAD programs and services.
- 13) Requires each grantee to report to BSCC, in a form and at intervals prescribed by the board, their progress in achieving the grant objectives and data necessary for the board's report on the effectiveness of the program.

- 14) Removes the previous reporting provisions that required BSCC to contract with specified research entities to evaluate the effectiveness of the LEAD program, as specified, required savings to be compared to costs of LEAD participation, required a report to be submitted to the Governor and Legislature by January 1, 2020, and specified that this reporting requirement is inoperative on January 1, 2024.
- 15) Removes the previously enacted funding provision that allocates fifteen million dollars from the General Fund to the LEAD pilot program, and authorizes BSCC to spend up to five hundred fifty thousand dollars of the amount for specified contracts.
- 16) Makes technical, clarifying, and conforming changes.

COMMENTS

According to the Author

"Too often, poverty is criminalized and individuals who are simply seeking to provide for their basic needs are incarcerated. Incarceration does not address the root causes of crime. In fact, it often only exacerbates the underlying issues of poverty, instability, lack of access to resources, and lack of housing, that contribute to crime. AB 2217 will help connect vulnerable individuals to services, instead of incarcerating them, by expanding the Alternatives to Arrest program (formerly Law Enforcement Assisted Diversion program).

"The program focuses on individuals with low-level, repeat offenses where the underlying issue is often homelessness, mental health needs, or substance use, and allows law enforcement officers to refer someone to a case manager for immediate crisis services instead of making an arrest. These referrals are voluntary; are made at the officer's discretion; and connect people to housing, health care, mental health support, and substance use treatment when appropriate. AB 2217 will expand the program to include additional offenses for which peace officers would have discretion to refer a person to crisis and case management, and will allow local jurisdictions the flexibility to add additional offenses if agreed upon by local law enforcement and public health leadership."

Arguments in Support

According to *Drug Policy Alliance*, AB 2217 "offers an additional tool for law enforcement to address the underlying causes of crime and unmet behavioral health needs by providing discretion to refer a person who is suspected of committing a low level offense, or may be at risk of arrest, to a case manager who can assist them in accessing on-going care, housing and treatment for mental illness or substance use disorder.

"AB 2217 builds on chaptered legislation in AB 2215 (Bryan) [Chapter 954, Statutes of] 2024 and SB 843 (Budget) [Chapter 33, Statutes of 2016] and includes the recommendation of the Commission for the Revision of the Penal Code to add additional offenses for which peace officers would have discretion to refer a person to crisis and case management prior to filing of a court case. The bill would also allow local jurisdictions the flexibility to add additional offenses with concurrence of local law enforcement and public health leadership.

"Piloted and funded in the 2016-17 budget, and based on national best practices, Law Enforcement Assisted Diversion (LEAD) focuses on providing a community-based alternative

for people who may be at risk of arrest and prosecution as a result of unmet needs related to substance use, mental health challenges, or poverty.

"Under the LEAD model, renamed in this bill as Alternatives to Arrest (ATA), a law enforcement officer in a participating jurisdiction may refer or transport a person, whom the officer has probable cause to arrest for specified offenses, to a case manager to be screened for immediate crisis services and to schedule a complete assessment interview. Referrals can also be made for individuals known to be at high risk of arrest. Case managers may assist the person on a long-term basis with service needs, including any available supportive housing options, health care, mental health support, and drug treatment services. Participation in case management services is voluntary, and potential charges are held in abeyance if the person completes an intake assessment.

"Successful LEAD models encourage collaboration among diverse community stakeholders, including law enforcement, public health agencies, community-based service providers, and others to align resources toward an effective, non-punitive system of response and care.

"The 2016 budget legislation mandated an independent evaluation of the pilot programs. The California State University-Long Beach (CSULB) School of Criminology evaluation found that 12 months after LEAD implementation, similarly situated persons in Los Angeles who were not referred to LEAD had felony arrest rates 537% higher than LEAD participants, and misdemeanor arrest rates that were 153% higher. The 12-month follow up comparison in San Francisco found that arrest rates for felonies were 257% higher for non-LEAD participants, and misdemeanor arrest rates were 623% higher. This finding is supported by recent data from the Los Angeles County Department of Health Services which confirms a low level of recidivism and high retention rate in their LEAD program participants

"The effectiveness of implementation in Los Angeles County has resulted in a program that is reaching capacity and may require additional funding to continue accepting new referrals. Assemblymember Zbur has submitted a request to the Assembly Budget Committee to commit \$15 million dollars to allow Los Angeles DHS to continue to accept new referrals and to pilot new ATA projects in additional jurisdictions to be identified by Bureau of State and Community Corrections.

"In order to improve public safety, reduce future criminal behavior, reduce cost burdens on courts and jails, and better address unmet behavioral health needs, California should pass AB 2217 (Zbur) and support the modest budget allocation expand Alternatives to Arrest".

Arguments in Opposition

None submitted.

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

- 1) Costs contingent on future appropriation. The original \$15 million General Fund appropriation for the predecessor LEAD program has been fully expended and the program is no longer active. The bill conditions all new grant funding on future appropriation by the Legislature; absent an appropriation, no grants would be issued. The bill's sponsor has submitted a budget request of \$15 million to fund the expanded program.

- 2) Approximately \$478,000 annually (General Fund) to BSCC for program administration, including staffing for grant management, monitoring, and outcome measurement. BSCC estimates needing 1.0 field representative, 0.5 analyst, 0.5 research data specialist, and 0.25 research data analyst. These administrative costs would typically be funded at 5% of the total program appropriation.
- 3) Unknown, potentially significant costs for an independent evaluation of program effectiveness, required to be reported to the Legislature by January 1, 2031. BSCC contracted with CSU Long Beach to evaluate the original LEAD program at a cost of \$400,000 in 2020.

VOTES

ASM PUBLIC SAFETY: 8-0-1

YES: Schultz, Alanis, Mark González, Harabedian, Lackey, Nguyen, Ramos, Sharp-Collins

ABS, ABST OR NV: Haney

ASM APPROPRIATIONS: 11-0-4

YES: Wicks, Aguiar-Curry, Calderon, Caloza, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache

ABS, ABST OR NV: Hoover, Dixon, Ta, Tangipa

UPDATED

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