

CONCURRENCE IN SENATE AMENDMENTS

AB 2405 (Gipson)

As Amended August 13, 2026

Majority vote

SUMMARY

Original Committee of Reference: E.M.

Requires a peace officer who is transporting a person to a designated facility for assessment pursuant to the Lanterman-Petris-Short (LPS) Act to transport the person to the closest appropriate designated facility, either geographically or by time, from where the peace officer took the person into custody, as specified. Authorizes the person to affirmatively express their preference to the peace officer regarding the facility that they would prefer the peace officer to take them, and permits the peace officer to consider that preference, but prohibits transport from unreasonably delaying care or excessively deviating from the closest appropriate destination. States that the provisions of this bill do not prevent a peace officer from following written local behavioral health diversion, transportation, and destination policies or agreements.

Senate Amendments

Current Committee Recommendation: CONCUR

- 1) Strike provisions of the bill containing requirements on law enforcement transports to emergency departments (EDs) other than LPS transports.
- 2) Add specific requirements related to the transport by law enforcement for the purposes of LPS assessment contained in the summary above.
- 3) Strike all requirements on the Emergency Medical Services Authority (EMSA) to exercise regulatory oversight to implement and ensure compliance with the provisions of this bill.
- 4) Strike the requirement on law enforcement agencies to submit a quarterly report containing specified information regarding transports conducted pursuant to this bill, including, among other things, the origin location of the transported person.

COMMENTS

Background provided by author. The author states that inconsistent law enforcement transport practices contribute to overcrowding, delays in care, and inequitable distribution of patients across hospital EDs, particularly burdening safety-net facilities who have scarce resources. The author points to an analysis of MLK Community Hospital (MLKCH) data that shows a total of 1,160 law enforcement drop-offs in 2025, or approximately 100 per month. MLKCH is located in South Los Angeles, yet these drop-offs include individuals in police custody from as far as El Segundo, Santa Monica, and Rolling Hills Estates. Given the recent passage of SB 43 (Eggman) Chapter 637, Statutes of 2023, the state's legal definition of "gravely disabled" expanded for the first-time in more than 50 years and now includes individuals unable to provide for their own personal safety and necessary medical care or experiencing severe substance use disorders as qualifying criteria for involuntary holds. This expansion has the ability to significantly increase the volume of law enforcement agency drop-offs to EDs. Safety-net EDs like MLKCH are under extreme fiscal pressure currently, and the equitable distribution of patients is an important matter

for the sustainability of the hospital and the care provided to the surrounding community. The author also points out that by requiring transport to the nearest appropriate ED, this bill would reduce the cases in which patients are transported away from their community and making it more challenging for them and their families.

LPS Act involuntary detentions and designated facilities. The LPS Act provides for involuntary detentions for varying lengths of time for the purpose of evaluation and treatment, provided certain requirements are met, such as that an individual is taken to a county-designated facility. Typically, one first interacts with the LPS Act through a 5150-hold initiated by a peace officer or other person authorized by a county, who must determine and document that the individual meets the standard for a 5150 hold. A county-designated facility is authorized to then involuntarily detain an individual for up to 72 hours for evaluation and treatment if they are determined to be, as a result of a mental health (MH) disorder, a danger to self or others, or gravely disabled. The professional person in charge of the county-designated facility is required to assess an individual to determine the appropriateness of the involuntary detention prior to admitting the individual.

Peace officers. In February 2025, Sacramento County Sheriff Jim Cooper announced that his officers would no longer respond to mental health calls unless a crime is involved. *The Sacramento Bee* reports that in the "first six days of implementing the change in January, the Sheriff's Office received 320 mental health calls, and deputies didn't respond to 18 calls for help." The policy change comes after a July 2024 ruling from that Ninth Circuit Court of Appeals finding that two Las Vegas police officers who responded to a 911 call from a mentally ill man will have to face excessive force claims for killing the man when they restrained him and knelt on his back. According to *The Sacramento Bee*, Cooper said his deputies will still respond to mental health calls when a crime is in progress, when a crime has been committed, and when someone is at risk of injury or death, but not when only the person experiencing a mental health crisis is at risk of injury or death.

SB 882 (Eggman), Chapter 899, Statutes of 2022, creates the Advisory Council on Improving Interactions between People with Intellectual and Development Disabilities and Law Enforcement, under the Department of Justice, to, among other things, evaluate existing training for peace officers specific to interactions between law enforcement and individuals with intellectual and developmental disabilities and mental health conditions. The advisory council began meeting in April 2024 and released a final report with the current state of these interactions, discussion of best practices for law enforcement training, and other non-training interventions, in April 2026. The Council makes several recommendations regarding data collection and training for behavioral health providers and peace officers. Specifically, the Council recommends special grants for each county to operate 24/7 mental health crisis teams to respond to non-crime related 911 and 988 calls. While the state has invested heavily in mobile crisis, the continuation of mobile crisis as a statewide Medi-Cal benefit was debated in the state budget and only extended through the current fiscal year.

According to the Author

This bill ensures some of the most vulnerable Californians receive timely emergency care by aligning law enforcement transport practices with established EMS standards and promoting fairness across our healthcare system. This change is in the best interest of vulnerable patients who need access to emergency care as well as resource-constrained community hospitals who are overwhelmed by drop-offs from law enforcement agents.

Arguments in Support

The California Hospital Association (CHA) supports this bill arguing that current law does not establish a consistent statewide standard for where peace officers should transport individuals requiring assessment under a 5150 hold, resulting in varying practices across California. CHA states this bill would establish a clear standard by requiring peace officers transporting an individual under a 5150 hold to take them to the closest appropriate designated facility, geographically or by time. This bill would also allow individuals to express a preference for their destination, provided doing so would not unreasonably delay care or excessively deviate from the closest appropriate facility. CHA concludes this would help ensure individuals receive timely access to the appropriate level of care while providing greater consistency for law enforcement and health care providers.

MLK Community Healthcare supports this bill stating that across California, hospitals routinely receive individuals transported by local law enforcement agencies from far outside their service areas, despite the presence of closer, capable EDs. This practice worsens overcrowding and creates dangerous delays in care in already overburdened safety-net hospitals. Unlike emergency medical services (EMS) providers, who operate under clear destination protocols requiring transport to the nearest appropriate facility, law enforcement agencies are not uniformly guided by comparable statewide medical transport standards. MLK Community Healthcare says this results in inconsistent and inequitable practices across jurisdictions. MLK Community Healthcare argues this bill seeks to remedy this problem by requiring that law enforcement officers who transport an individual to an ED go to the nearest appropriate LPS facility. If the facility is unable to take the patient, then they must be transported to the nearest (by geography or time) available ED. This would support patients getting the care they need in a timely manner and help distribute ED care fairly among existing hospitals.

Arguments in Opposition

The California Police Chiefs Association (CPCA) opposes this bill stating that it requires a peace officer transporting a person detained pursuant to Section 5150 to transport that individual to the "closest appropriate designated facility, geographically or by time." If an ED is the most appropriate destination, the officer must similarly transport the person to the "closest appropriate ED." CPCA contends this bill does not define what constitutes an "appropriate" facility, nor does it provide law enforcement with the information necessary to make that determination. Peace officers responding to a behavioral health crisis are not operating within an EMS dispatch system that provides real-time information regarding available facilities, their capabilities, current diversion status, travel times, patient capacity, or whether a particular facility is accepting a specific category of patient. Fire and EMS systems may have access to specialized medical dispatch information and established destination protocols. A patrol officer generally does not have a comparable system available from the front seat of a patrol vehicle. CPCA concludes this bill imposes an unclear statutory mandate on officers without providing the information or systems necessary to comply with it and attempts to solve through statewide legislation an issue that should first be addressed through local coordination.

FISCAL COMMENTS

According to the Senate Appropriations Committee, costs to local law enforcement agencies would be potentially reimbursable by the state, subject to a determination by the Commission on State Mandates.

VOTES**ASM EMERGENCY MANAGEMENT: 5-1-1****YES:** Ransom, Arambula, Bains, Bennett, Calderon**NO:** Hadwick**ABS, ABST OR NV:** DeMaio**ASM PUBLIC SAFETY: 7-0-2****YES:** Schultz, Mark González, Haney, Harabedian, Nguyen, Ramos, Sharp-Collins**ABS, ABST OR NV:** Alanis, Lackey**ASM APPROPRIATIONS: 11-3-1****YES:** Wicks, Aguiar-Curry, Calderon, Caloza, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache**NO:** Dixon, Ta, Tangipa**ABS, ABST OR NV:** Hoover**ASSEMBLY FLOOR: 47-18-15****YES:** Addis, Aguiar-Curry, Ahrens, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Elhawary, Fong, Gipson, Mark González, Haney, Harabedian, Hart, Jackson, Kalra, Lee, Lowenthal, McKinnor, Nguyen, Ortega, Pacheco, Papan, Patel, Pellerin, Quirk-Silva, Ransom, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Wicks, Zbur, Rivas**NO:** Alanis, Castillo, Davies, DeMaio, Dixon, Ellis, Flora, Gallagher, Jeff Gonzalez, Hadwick, Hoover, Johnson, Macedo, Patterson, Sanchez, Ta, Tangipa, Wallis**ABS, ABST OR NV:** Bennett, Chen, Gabriel, Garcia, Irwin, Krell, Lackey, Muratsuchi, Petrie-Norris, Ramos, Celeste Rodriguez, Michelle Rodriguez, Valencia, Ward, Wilson**SENATE FLOOR: 27-7-6****YES:** Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Cortese, Durazo, Gonzalez, Laird, Limón, McGuire, McNerney, Padilla, Pérez, Reyes, Richardson, Rubio, Smallwood-Cuevas, Stern, Umberg, Wahab, Weber Pierson, Wiener**NO:** Alvarado-Gil, Choi, Dahle, Hurtado, Jones, Seyarto, Strickland**ABS, ABST OR NV:** Grayson, Grove, Menjivar, Niello, Ochoa Bogh, Valladares**ASM HEALTH: 9-3-4****YES:** Bonta, Addis, Aguiar-Curry, Ahrens, Caloza, Patel, Celeste Rodriguez, Schiavo, Stefani**NO:** Sanchez, Johnson, Patterson**ABS, ABST OR NV:** Carrillo, Jeff Gonzalez, Mark González, Sharp-Collins**UPDATED**

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