
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

AB 46 (Nguyen) - Diversion

Version: February 13, 2026

Urgency: No

Hearing Date: May 14, 2026

Policy Vote: PUB. S. 4 - 0, PUB. S. 5 - 0

Mandate: No

Consultant: Mark McKenzie

Bill Summary: This bill makes various changes to the mental health diversion statutes, including changing the public safety standard for finding a defendant suitable for diversion, as specified.

***** **ANALYSIS ADDENDUM – SUSPENSE FILE** *****

The following information is revised to reflect amendments
adopted by the committee on May 14, 2026

Fiscal Impact:

- This bill could result in additional cost pressures (Trial Court Trust Fund, General Fund) to the courts due to additional court time needed to determine eligibility for diversion. In addition, to the extent that it decreases the number of defendants deemed eligible and suitable for mental health diversion, defendants would go through typical criminal court proceedings instead, which are generally longer and more resource-intensive for courts than diversion proceedings. While the courts are not funded on the basis of workload, increased pressure on the Trial Court Trust Fund may create a demand for increased funding for courts from the General Fund. See Staff Comments.
- This bill could result in additional incarceration costs (local funds, General Fund) to counties and the California Department of Corrections and Rehabilitation to the extent that it decreases the number of defendants deemed eligible and suitable for mental health diversion. The actual costs will depend on the number of defendants excluded from diversion who would instead be convicted and incarcerated as a result of this bill. The annual cost to incarcerate one person in county jail varies by county but can range from \$70,000 to \$90,000 per year, and the estimated 2026-27 average annual cost to incarcerate one person in state prison is \$138,000 (General Fund) based on an average daily population of 87,760 inmates. County incarceration costs are not subject to reimbursement by the state. However, overcrowding in county jails creates cost pressure on the General Fund because the state has historically granted new funding to counties to offset overcrowding resulting from public safety realignment.

Author Amendments: Add the phrase “or rediagnosed” to a provision to clarify that a defendant must have been diagnosed, *or rediagnosed* with a mental disorder within five years prior to the offense for the presumption that the mental disorder was a significant factor in the commission of the offense to apply.

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