
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

SB 1373 (Grove) - Mental health diversion

Version: April 15, 2026

Urgency: No

Hearing Date: May 4, 2026

Policy Vote: PUB. S. 5 - 0

Mandate: Yes

Consultant: Bob Franzoia

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Bill Summary: SB 1373 would make several changes to the mental health diversion law, including (1) adding to the list of offenses for which a person is excluded from mental health diversion eligibility and (2) adding to the LISTTTTTTTTTTTTTTT of factors WHOOOOOOOOOOOO may take into consideration when determining defendant's risk to public safety.

Fiscal Impact: Costs (local funds, General Fund) to the counties and the Department of Corrections and Rehabilitation of an unknown but significant amount to incarcerate people who otherwise could have been diverted and received mental health treatment. The Department of Corrections and Rehabilitation (CDCR) estimates the average annual cost to incarcerate one person in state prison to be approximately \$138,000 for 2026-27. The average annual cost to incarcerate one person in county jail is approximately \$77,252 per year based on the average in California's four largest counties in 2021, with cost ranging up to \$90,000. Actual incarceration costs will depend on the number of convictions and the length of each sentence. Although county incarceration costs are generally not considered reimbursable state mandates pursuant to Proposition 30 (2012), 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 2011 public safety realignment.

The Judicial Council estimates a minor and absorbable impact for SB 483. The Judicial Council indicates that this bill will allow for further judicial discretion in determining the best program for mental health diversion participants and should not create any fiscal or operational impacts. (See Staff Comments)

Background: >

Proposed Law: This bill would require, as an additional suitability factor before granting diversion, that the court be satisfied that the recommended mental health treatment program is consistent with the underlying purpose of mental health diversion and that it will meet the defendant's specialized treatment needs.

Related Legislation: SB 483 (Stern) 2025 creates an additional suitability factor for granting mental health diversion, requiring the court be satisfied that the recommended mental health treatment program is consistent with the purpose of diversion and will meet the defendant's specialized treatment needs. That bill was held on the Assembly Appropriations Committee Suspense File.

Staff Comments: As mentioned above, the Judicial Council indicates that this bill is not expected to have a fiscal impact on the judicial branch. However, it could potentially increase workload and impose additional cost pressures on the trial courts. This bill would require judges, when considering the suitability of a defendant for mental health diversion, to make an additional finding, ***as a prerequisite to granting pretrial mental health diversion***. Consequently, judges would need to evaluate not only the defendant's suitability for diversion but also the proposed mental health treatment program to ensure it aligns with the defendant's needs before granting pretrial mental health diversion. Evaluating the effectiveness of a treatment program for each defendant's unique needs is complex and will require the expertise of behavioral health professionals. According to the Judicial Council, in 2023, there were 7,064 petitions for mental health diversion. If the court spends just one hour reviewing each defendant's needs and treatment program, and is required to make a finding that the program will meet those needs prior to granting pretrial diversion, the annual cost would exceed \$700,000 (assuming \$1,000 per court hour). Additionally, if fewer defendants are found suitable for diversion as a result of this bill, it could place significant cost pressures on the state-funded trial court system (Trial Court Trust Fund, General Fund) to adjudicate criminal trials.

Proposed Author Amendments: >

Recommended Amendments: >

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