

Date of Hearing: August 20, 2025

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

SB 483 (Stern) – As Amended July 9, 2025

Policy Committee: Public Safety

Vote: 9 - 0

Urgency: No

State Mandated Local Program: No

Reimbursable: No

SUMMARY:

This bill changes the suitability factors a defendant must satisfy to qualify for mental health diversion.

Specifically, this bill:

- 1) Adds a requirement that a defendant must agree that their recommended treatment plan will meet their specialized needs.
- 2) Specifies a court may deny pretrial diversion if it concludes that, despite the proposed treatment program and any available terms and conditions of diversion, the defendant poses an unreasonable risk to the physical safety of another.

FISCAL EFFECT:

- 1) Cost pressures (Trial Court Trust Fund, General Fund) to the courts of an unknown but potentially significant amount. For its part, Judicial Council does not anticipate any fiscal or operational impacts to implement the bill's new suitability considerations. However, to the extent the bill decreases the number of defendants deemed suitable for mental health diversion, the courts may experience increased workload. Such defendants must go through typical criminal court proceedings instead, which are generally longer and more resource-intensive for courts than diversion proceedings. Although 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. The fiscal year 2025-26 state budget provides \$82 million ongoing General Fund to the Trial Court Trust Fund for court operations.
- 2) Incarceration costs (local funds, General Fund) to the counties and the California Department of Corrections and Rehabilitation, to the extent this bill decreases the number of defendants deemed suitable for mental health diversion. Actual costs will depend on the number of defendants excluded from diversion, and instead convicted and incarcerated as a result of the bill. The average annual cost to incarcerate one person in county jail is approximately \$29,000, though it is higher in larger counties. The Legislative Analyst's Office estimates the average annual cost to incarcerate one person in state prison is \$133,000. 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.

COMMENTS:

- 1) **Background.** Mental health diversion is a form of pretrial diversion in which a judge suspends the criminal proceedings against a defendant while the defendant completes a mental health program. If the defendant does not successfully complete the diversion program, criminal proceedings resume and the defendant may proceed to trial or enter a plea. If the defendant successfully completes diversion, the criminal charges against them are dismissed.

A court may grant mental health diversion to a criminal defendant if the court determines the defendant is both eligible and suitable for diversion. Eligibility for diversion is based on whether the defendant has been diagnosed with a qualifying mental health disorder and whether the defendant's mental health disorder was a significant factor in the commission of the offense currently being considered for diversion. Suitability for diversion is based on several factors, including whether the defendant will pose an unreasonable risk of danger to public safety if they are treated in the community. Under existing law, this requires a showing that there is a likelihood that if the defendant is granted diversion, they will commit a specified violent felony offense. Additionally, to be found suitable for diversion, a defendant must agree to comply with treatment, unless the defendant was deemed incompetent to stand trial and is being considered for diversion instead of being committed for restoration of competency treatment.

This bill makes two changes to the suitability factors for mental health diversion. First, it requires a defendant to agree that their proposed diversion treatment plan will meet their specialized needs, in addition to agreeing to comply with treatment. Second, it specifies that, notwithstanding the public safety standard described above, a court has the discretion to deny diversion if it concludes that the defendant poses an unreasonable risk to the physical safety of another.

- 2) **Purpose.** The author intends this bill to make sure a defendant who may be referred to mental health diversion understands the conditions of diversion before agreeing to participate. According to the author:

Those who benefit most from diversion, those who don't have access to care until they interact with the courts, deserve equitable due process and full engagement in their treatment plan. Without providing this plan to them with their full informed consent, we undermine their treatment outcomes and further fail them.

- 3) **Related Legislation.** AB 46 (Nguyen) imposes a more cautious public safety standard as part of the court's determination that a defendant is suitable for mental health diversion. AB 46 is pending in the Senate Appropriations Committee.

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