REVISED LEGISLATIVE DIGEST
(Substituted, 3/20/2018)

[Health Code - Designation of City Attorney to Institute Mental Health Conservatorship and Assisted Outpatient Treatment Proceedings]

Ordinance amending the Health Code to designate the City Attorney rather than the District Attorney to institute judicial proceedings under the Lanterman-Petris-Short Act to appoint conservators for persons with mental health disorders and compel participation in assisted outpatient treatment; and expressing the Board of Supervisors' intent to add positions to the Office of the City Attorney to institute such proceedings, and appropriate funding for that purpose.

Existing Law

The Lanterman-Petris-Short Act ("LPS Act") authorizes the implementation of several programs and interventions relating to behavioral health, including but not limited to the involuntary commitment of persons needing psychiatric treatment, court-ordered mental health conservatorships, and court-ordered assisted outpatient treatment ("AOT").

Currently, state law provides that the district attorney shall represent the county in proceedings under the LPS Act, unless the county board of supervisors designates the county counsel to do so.

In San Francisco, the City Attorney institutes judicial proceedings to require participation in the AOT program, and the District Attorney institutes judicial proceedings to appoint conservators for persons with mental health disorders.

Amendments to Current Law

This ordinance would formally designate the City Attorney to initiate both AOT proceedings and mental health conservatorships. However, the District Attorney would retain the responsibility for initiating mental health conservatorships for persons who are found mentally incompetent to stand trial under Section 1370 of the Penal Code, and where the complaint against the individual charges a felony involving death, great bodily harm, or serious threat to the physical well-being of another person.

The ordinance also would convey the Board of Supervisors' intent to add positions to the Office of the City Attorney to perform the functions that are being assigned to that office, and to add funds to the City Attorney's budget to support those positions.

n:\legana\as2018\1800048\01261198.docx