

# AB 1971 (Santiago and Friedman) Clarifying the Definition of Gravely Disabled

## **BACKGROUND/CURRENT LAW**

The Lanterman-Petris-Short Act (LPS) was enacted in 1967, and defines gravely disabled as a condition in which a person, as a result of a mental health disorder, is unable to provide for his or her basic personal needs for food, clothing, or shelter.

The LPS was established to provide due process rights for individuals with mental illness prior to being involuntarily hospitalized. Prior to LPS, there were insufficient standards for who could be involuntarily committed or for how long. The LPS mandated that a mentally ill individual be treated in the least restrictive setting and given the right to be heard in court when involuntarily detained or conserved.

The LPS has been touted as setting the precedent for modern mental health commitment procedures for the nation. However, since its enactment, the LPS Act has not been substantially changed, despite the significant increase in the mental health population and the severity of mental health illness.

A significant number of states throughout the country (including New York, Florida and Texas) have since enacted laws to include physical health and/or medical treatment in the criteria used to provide treatment to individuals with mental illness.

## **PURPOSE**

Individuals with mental illness often lack the self-awareness of their own life-threatening medical conditions, and may be unable or unwilling to seek treatment.

Current law does not provide authorities, including trained personnel designated by counties, with alternatives to deliver individuals who refuse necessary medical treatment, due to their mental illness, to appropriate care facilities.

In 2017, more than 830 homeless individuals died on the streets in the County of Los Angeles. Many of these deaths could have been prevented if the individual had received medical attention. There is an increasingly growing number of homeless individuals in the County, and of that population, it is reported that 30 percent have a serious mental illness.

This measure will allow local jurisdictions to provide humane, compassionate care to its most vulnerable residents, as intended under the LPS.

## **WHAT THE PROPOSAL DOES**

As proposed, AB 1971 would clarify the definition of gravely disabled to include necessary physical health treatment, which is as fundamental to a person's well-being and basic personal needs as the current criteria for food, clothing, and shelter.

This measure preserves the LPS provisions that safeguard individual rights by continuing to require judicial review to determine LPS holds.

## **SUPPORT OF THE PROPOSAL**

Los Angeles County (Sponsor)

The following individuals and organizations are in support of the motion approved by the Los Angeles County Board of Supervisors on January 30, 2018 to sponsor legislation on this important issue.

Los Angeles City Council President Herb Wesson, Jr.  
Los Angeles City Councilmember Paul Krekorian  
Los Angeles City Councilmember Joe Buscaino  
Los Angeles City Councilmember Mitchell Englander  
Los Angeles City Councilmember David Ryu  
Ascencia (homeless service center)  
Hospital Association of Southern California  
National Alliance on Mental Illness – Los Angeles Council  
California Psychiatric Association