

Addendum to the CASOMB Report; Conditional Release Program Housing and Community Placement Barriers dated January 2023

Senate Bill 1034 took effect on January 1, 2023, and created some changes to the existing conditional release process in California.

Specifically, SB 1034 requires that the Department of State Hospitals create a localized housing search committee. Committee members include counsel for the committed patient (committee), sheriff or chief of police, and county counsel or the district attorney handling the case. The purpose of the housing committee is to provide collaboration and consultation in identifying suitable housing for the committed patient.

In addition, SB 1034 further defined under what circumstances a court may make a finding of extraordinary circumstances. The court can only make a finding of extraordinary circumstances after the county of domicile petitions the court seeking the determination. A court may find extraordinary circumstances only after the county of domicile has demonstrated that they engaged in an exhaustive housing search with meaningful and robust participation from the housing search committee participants. The county of domicile must also provide at least one alternative placement county for consideration, and the department and district attorney of a proposed alternative placement county must have had an opportunity to be heard at a noticed hearing. The court must state its findings and grounds for extraordinary circumstances on the record. Finally, the Judicial Council is required to report to the Legislature annually the instances where a court issues a finding of extraordinary circumstances.