

RESOLUTION NO. _____

RESOLUTION OF THE HUMBOLDT COUNTY BOARD OF SUPERVISORS RESCINDING RESOLUTION NO 19-122 AUTHORIZING THE APPLICATION OF CALIFORNIA WELFARE AND INSTITUTIONS CODE SECTION 5151 WITHIN THE COUNTY OF HUMBOLDT

WHEREAS, the California Lanterman-Petris-Short Act (Welfare and Institutions Code, Division 5, Part 1, Chapter 1, section 5000 et seq.) provides procedures for the involuntary evaluation and treatment of persons who, as a result of a mental disorder, constitute a danger to themselves or others, or are gravely disabled; and

WHEREAS, through the passing of Assembly Bill 2275, the California Lanterman-Petris-Short Act, Welfare and Institutions Code sections 5150 5151, 5256, and 5275, regarding the detention of mentally disordered persons for evaluation and treatment, were amended to specify that the 72-hour period of detention begins at the time when the person is first detained; and

WHEREAS, these changes in the law eliminated conflicting language previously contained in Welfare and Institutions Code sections 5150 and 5151 that permitted counties to apply a procedure whereby the seventy-two hour clock started at the time of admittance to the designated psychiatric inpatient facility; and

WHEREAS, these changes in the law further provide due process protection for those persons waiting in non-designated Emergency Departments through the provision of remote hearings, and the right to petition the court for a writ of habeas corpus, while waiting for psychiatric evaluation at the county designated facility; and

WHEREAS, to be in alignment with the changes within the Lanterman-Petris-Short Act, the resolution previously approved on December 16, 2019 by the Humboldt County Board of Supervisors through the adoption of Resolution No 19-122 is in need of rescension; and

WHEREAS, the Board of Supervisors of the County of Humboldt desires to operate within the law regarding detention and evaluation of mentally disordered persons pursuant to the Lanterman-Petris-Short Act as codified in Welfare and Institutions Code sections 5000-5556.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Humboldt hereby rescinds Resolution No 19-122, as adopted by the Humboldt County Board of Supervisors on December 16, 2019.

BE IT FURTHER RESOLVED, that the newly amended provisions of the California Lanterman-Petris-Short Act (Welfare and Institutions Code, Division 5, Part 1, Chapter 1, section 5000 et seq.), and any future amendments hereto, constitute the procedures for county interpretation of the seventy-two hour clock and due process rights afforded to individuals involuntarily detained thereunder.

Dated: August __, 2023

Steve Madrone, Chair
Humboldt County Board of Supervisors