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**WELFARE AND INSTITUTIONS CODE - WIC**

**DIVISION 4. MENTAL HEALTH [4000 - 4390]** ( *Heading of Division 4 amended by Stats. 1977, Ch. 1252. )*

**PART 3. DEPARTMENTAL PROGRAM INITIATIVES [4340 - 4369.4]** ( *Part 3 added by Stats. 1991, Ch. 89, Sec. 51. )*

**CHAPTER 6.7. State Department of State Hospitals: Contracting Facilities [4361.5 - 4361.7]** ( *Chapter 6.7 added by Stats. 2021, Ch. 143, Sec. 353. )*

**4361.5.** For purposes of this chapter, "department" means the State Department of State Hospitals.

(*Added by Stats. 2021, Ch. 143, Sec. 353. (AB 133) Effective July 27, 2021.*)

**4361.6.** (a) Subject to an appropriation by the Legislature for this express purpose, the department may contract as follows:

(1) For subacute bed capacity, including, but not limited to, institutions for mental disease, mental health rehabilitation centers, skilled nursing facilities, or any other treatment options, such as community-based restoration of competency services, to address the increasing number of patient referrals to the department.

(2) With private or public entities to house and treat individuals committed to the department pursuant to Sections 1026, 1370, and 2972 of the Penal Code or Section 5358 of this code. Contracted funds may include any of the following:

(A) Program implementation costs.

(B) Construction costs, including funds for projects to build new facilities or modify, expand, or retrofit an existing space.

(C) One-time purchases of patient and staff furnishings and minor equipment.

(D) Activities related to recruitment and training of staff before program activation.

(E) Operating expenses.

(b) Contracts awarded pursuant to this chapter shall be exempt from the requirements contained in Section 19130 of the Government Code, the Public Contract Code, Section 4101.5 of this code, and the State Administrative Manual. These contracts shall not be subject to approval by the Department of General Services.

(c) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the department may implement, interpret, or make specific this section by means of a departmental letter or other similar instruction, as necessary.

(*Amended by Stats. 2022, Ch. 738, Sec. 13. (AB 204) Effective September 29, 2022.*)

**4361.7.** (a) Subject to an appropriation by the Legislature for this express purpose, the department may contract for medical, evaluation, and other services as necessary to facilitate early access to treatment for individuals in county jails who have been deemed incompetent to stand trial on a felony charge.

(b) County jails shall allow the department and any of its contractors or designees reasonable access to its facilities and individuals deemed incompetent to stand trial on a felony charge to provide early access treatment.

(c) The department may petition for and participate in involuntary medication hearings pursuant to Section 1370 of the Penal Code for individuals housed in county jails who are being treated by department employees or contractors. Nothing in this section shall remove the ability or responsibility of a jail to utilize existing authority to seek an involuntary medication order for individuals or to provide other medical or mental health care.

(d) Contracts awarded pursuant to this chapter are exempt from the requirements contained in Section 19130 of the Government Code, the Public Contract Code, Section 4101.5 of this code, and the State Administrative Manual. These contracts are not subject to approval by the Department of General Services.

(e) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the department may implement, interpret, or make specific this section by means of a departmental letter or other similar instruction, as necessary.

*(Added by Stats. 2022, Ch. 47, Sec. 57. (SB 184) Effective June 30, 2022.)*