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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. Conditional Release Program [4360 - 4360.5] (*Chapter 6 added by Stats. 1991, Ch. 89, Sec. 51.*)

4360. (a) The State Department of State Hospitals shall provide mental health treatment and supervision in the community for judicially committed persons. The program established and administered by the department under this chapter to provide these services shall be known as the Forensic Conditional Release Program and may be used by the department in accordance with this section to provide services in the community to other patient populations for which the department has direct responsibility.

(b) The State Department of State Hospitals may provide directly, or through contract with private providers or counties, for these services, including administrative and ancillary services related to the provision of direct services. These contracts shall be exempt from the requirements contained in the Public Contract Code and the State Administrative Manual, and from approval by the Department of General Services. Subject to approval by the State Department of State Hospitals, a county or private provider under contract to the department to provide these services may subcontract with private providers for those services.

(c) Notwithstanding Section 5328, programs providing services pursuant to this section may inform a local law enforcement agency of the names and addresses of program participants who reside within that agency's jurisdiction. Providing notice under this subdivision does not relieve a person or entity of any statutory duty.

(*Amended by Stats. 2012, Ch. 24, Sec. 121. (AB 1470) Effective June 27, 2012.*)

4360.5. (a) The State Department of State Hospitals shall establish a statewide panel of independent evaluators responsible for Forensic Conditional Release Program placement determinations for patients committed to the department and transitioning to community treatment settings for services pursuant to Section 4360.

(b) The purpose of the statewide independent evaluation panel is to identify state hospital patients who are ready for discharge to the Forensic Conditional Release Program pursuant to Section 4360, to promote successful community reintegration. The panel may consist of both contracted and civil service licensed psychologists and licensed social workers designated by the department. A licensed psychologist or licensed social worker panel member shall evaluate the state hospital patient to determine if the patient is suitable for community outpatient treatment and to determine whether an appropriate placement is available for the patient in the community-based treatment system based upon guidelines provided by the department, including the use of evidence-based risk assessment tools for all community release determinations. The panel member shall provide the court that has jurisdiction over the patient's placement with a written placement recommendation on behalf of the statewide independent evaluation panel.

(c) The statewide independent evaluation panel shall be used either independently or in conjunction with the community program director, designated pursuant to Section 1605 of the Penal Code, to provide placement recommendations for patients committed to the State Department of State Hospitals on appropriateness for the Forensic Conditional Release Program. The department shall determine whether the statewide independent evaluation panel or the community program director, or both, is responsible for case reviews and placement recommendation.

(d) The department shall conduct an evaluation of the effectiveness of the program created pursuant to this section to determine whether to extend the use of the statewide independent evaluation panel after June 30, 2026.

(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.

(f) Contracts awarded pursuant to this statute are exempt from the requirements contained in the Public Contract Code and the State Administrative Manual and are not subject to approval by the Department of General Services.

(g) This section shall remain in effect only until June 30, 2026, and as of that date is repealed.

(Added by Stats. 2022, Ch. 47, Sec. 55. (SB 184) Effective June 30, 2022. Repealed as of June 30, 2026, by its own provisions.)