

## REPORT OF THE CHIEF LEGISLATIVE ANALYST

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DATE: September 9, 2025

TO: Honorable Members of the Rules, Elections, and Intergovernmental Relations Committee

FROM: Sharon M. Tso   
Chief Legislative Analyst

Council File No.: 25-0002-S81  
Assignment No.: 25-09-0752

SUBJECT: Resolution (Blumenfield - Raman) to SUPPORT SB 483 (Stern).

CLA RECOMMENDATION: Adopt Resolution (Blumenfield - Raman) to include in the City's 2025-2026 State Legislative Program SUPPORT for SB 483 (Stern), which would provide defendants suffering from mental illness the care they need by revising the definition of "pretrial diversion" to require that the court be satisfied that the recommended program is consistent with the underlying purpose of mental health diversion and would clarify that the court retains discretion to deny diversion if it concludes that, despite the proposed treatment program and any terms or conditions of diversion, the defendant poses an unreasonable risk to the physical safety of another.

### SUMMARY

On August 26, 2025, a Resolution (Blumenfield-Raman) was introduced in support of SB 483 (Stern), which would provide defendants suffering from mental illness the care they need by revising the definition of "pretrial diversion" to require that the court be satisfied that the recommended program is consistent with the underlying purpose of mental health diversion and would clarify that the court retains discretion to deny diversion if it concludes that, despite the proposed treatment program and any terms or conditions of diversion, the defendant poses an unreasonable risk to the physical safety of another.

The Resolution notes that diversion is the suspension of criminal proceedings for a prescribed time period with certain conditions, and if those conditions are met, a defendant can avoid time in jail or prison and legally answer that he or she has never been arrested or charged for the diverted offense. The Resolution adds that in 2018, the State Legislature enacted a law authorizing pretrial diversion of eligible defendants with mental disorders with the goal of getting them the care they need while ensuring that public safety is maintained. The Resolution, therefore, seeks an official position of the City of Los Angeles to support SB 483 (Stern), which would revise the definition of "pretrial diversion" under the condition that the court retain authority to deny diversion to protect public safety.

### BACKGROUND

Mental health diversion is a type of pretrial diversion which allows a judge to suspend criminal proceedings against a defendant for a misdemeanor or felony while the defendant completes a mental health program. Should the defendant successfully complete the program, the criminal

charges are dismissed; however, should the defendant fail diversion, criminal proceedings then resume and the defendant proceeds to trial or enters a plea. A critical purpose of such diversion is to mitigate individuals' entry and reentry into the criminal justice system while protecting public safety. Notably, under Penal Code Section 1001.36 (d), certain charges automatically exclude a defendant from mental health diversion consideration (e.g., murder, voluntary manslaughter, sexual assault related charges, specific offenses requiring sex-offender registration, etc.).

In order for mental health diversion to be an option, the court must determine that the defendant is both *eligible* and *suitable* for diversion. Eligibility is based on whether the defendant has been diagnosed with a qualifying mental health disorder and whether that disorder was a significant factor in the commission of the offense currently being considered for diversion, among other requirements. Suitability is based on multiple factors, including whether the defendant will pose an unreasonable risk of danger to public safety if they are treated in the community, which requires a showing that there is a likelihood that the individual will commit a specified violent felony offense. Suitability also requires that the defendant agree to comply with treatment.

SB 483 (Stern) proposes two key additions to the suitability factors for mental health diversion determination. First, in addition to agreeing to comply with treatment, the defendant must agree that the proposed diversion treatment plan will meet his or her specialized needs. And second, while the court currently retains discretion to deny diversion if it concludes that the defendant poses an unreasonable risk of danger to public safety, the bill adds that diversion may also be denied if the defendant poses an unreasonable risk to the *physical safety* of another. The court must also be satisfied that the recommended mental health treatment program is consistent with the underlying purpose of mental health diversion.

With this bill, its author intends to ensure that a defendant who is referred to mental health diversion fully understand the conditions before agreeing to participate in a program and thereby prevent undermining the individual's treatment outcome. The author also asserts that in order to properly treat an underlying mental health diagnosis, the court must be satisfied that the proposed inpatient or outpatient treatment actually meets the specific needs of the particular individual. Therefore, SB 483 (Stern) would amend California Penal Code Section 1001.36 by adding to the suitability factors required in the analysis of whether mental health diversion is appropriate, and consequentially, aid in preventing recidivism and strengthen public safety.

#### BILL STATUS

02/19/2025     Introduced.

08/29/2025     August 29 hearing: Held in committee and under submission.



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Monét A. Padilla  
Analyst

Attachment: Resolution (Blumenfield - Raman)

RESOLUTION RULES, ELECTIONS, INTERGOVERNMENTAL RELATIONS

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council; and

WHEREAS, diversion is the suspension of criminal proceedings for a prescribed time period with certain conditions, and if those conditions are met, a defendant can avoid time in jail or prison and legally answer that he or she has never been arrested or charged for the diverted offense; and

WHEREAS, in 2018 the State Legislature enacted a law which authorizes pretrial diversion of eligible defendants with mental disorders; and

WHEREAS, mental health diversion is designed to get defendants suffering from mental illness the care they need across the continuum of care settings, while ensuring that public safety is maintained; and

WHEREAS, SB 483 (Stern) would amend State law relative to mental health diversion to require defendants to agree that the recommended treatment plan will meet their specialized needs; and

WHEREAS, SB 483 would also require that the court is satisfied with the recommended diversion program, and that the program is consistent with the underlying purpose of mental health diversion; and

WHEREAS, SB 483 also clarifies that the court retains the discretion to deny diversion if it concludes that, despite the proposed treatment program and any available terms and conditions of diversion, the defendant poses an unreasonable risk to the physical safety of another; and

WHEREAS, this bill also ensures that defendants who are eligible for diversion and who would most benefit from the program are fully informed of the program requirements and consent to participation;

NOW, THEREFORE, BE IT RESOLVED, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2025 - 2026 State Legislative Program SUPPORT for SB 483 (Stern) which seeks to provide defendants suffering from mental illness the care they need by revising the definition of "pretrial diversion" to require that the court is also satisfied that the recommended program is consistent with the underlying purpose of mental health diversion and would clarify that the court retains discretion to deny diversion if it concludes that, despite the proposed treatment program and any terms or conditions of diversion, the defendant poses an unreasonable risk to the physical safety of another.

  
AUG 26 2025

PRESENTED BY:

  
BOB BLUMENFIELD  
Councilmember, 3<sup>rd</sup> District

SECONDED BY:

