

SEC. 4. Section 798 is added to the Civil Code, to read:

798. This chapter shall be known and may be cited as the "Mobilehome Residency Law." It shall apply only to a mobilehome that requires a permit to be moved on a street or highway.

SEC. 5. Section 798.61 is added to the Civil Code, to read:

798.61. Sections 798.55, 798.56, and 798.57 apply only to: (1) a mobilehome or trailer coach that requires a permit to be moved upon a street or highway; and (2) a mobilehome or trailer coach, without an engine for locomotion, which is at least 32 feet, but less than 40 feet, in length if the tenant has resided continuously in the mobilehome park for nine months after January 1, 1979.

SEC. 6. It is the intent of the Legislature, if this bill and Assembly Bill No. 3235 are both chaptered and become effective January 1, 1979, both bills amend Section 789.5 of the Civil Code, and this bill is chaptered after Assembly Bill No. 3235, that the amendments to Section 789.5 proposed by both bills be given effect and incorporated in Section 789.5 in the form set forth in Section 3 of this act. Therefore, Section 3 of this act shall become operative only if this bill and Assembly Bill No. 3235 are both chaptered and become effective January 1, 1979, both amend Section 789.5, and this bill is chaptered after Assembly Bill No. 3235, in which case Section 2 of this act shall not become operative.

SEC. 7. Sections 4 and 5 of this act shall become operative only if Senate Bill No. 2119 and Senate Bill No. 2120 are both enacted and become effective January 1, 1979, in which case, Section 2 of this act shall not become operative.

SEC. 8. Section 5 of this act shall become operative only if Senate Bill No. 2119 is enacted and becomes effective January 1, 1979, and Senate Bill No. 2120 is not enacted, in which case, Sections 2 and 4 of this act shall not become operative.

CHAPTER 1036

An act to amend Section 6316.2 of the Welfare and Institutions Code, relating to mentally disordered sex offenders, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 22, 1978 Filed with
Secretary of State September 25, 1978]

The people of the State of California do enact as follows:

SECTION 1. Section 6316.2 of the Welfare and Institutions Code is amended to read:

6316.2. (a) A person may be committed beyond the term prescribed by Section 6316.1 only under the procedure set forth in this section and only if such person meets all of the following:

(1) The "sex offense" as defined in subdivision (a) of Section 6302 of which the person has been convicted is a felony, whether committed before or after July 1, 1977, or is a misdemeanor which was committed before July 1, 1977.

(2) Suffers from a mental disorder, and as a result of such mental disorder, is predisposed to the commission of sexual offenses to such a degree that he presents a serious threat of substantial harm to the health and safety of others.

(b) If during a commitment under this part, the Director of Mental Health has good cause to believe that a patient is a person described in subdivision (a), the director may submit such supporting evaluations and case file to the prosecuting attorney who may file a petition for extended commitment in the superior court which issued the original commitment. Such petition shall be filed no later than 90 days before the expiration of the original commitment. Such petition shall state the reasons for the extended commitment, with accompanying affidavits specifying the factual basis for believing that the person meets each of the requirements set forth in subdivision (a).

(c) At the time of filing a petition, the court shall advise the patient named in the petition of his right to be represented by an attorney and of his right to a jury trial. The rules of discovery in criminal cases shall apply.

(d) The court shall conduct a hearing on the petition for extended commitment. The trial shall be by jury unless waived by both the patient and the prosecuting attorney. The trial shall commence no later than 30 days prior to the time the patient would otherwise have been released by the State Department of Mental Health.

(e) The patient shall be entitled to the rights guaranteed under the Federal and State Constitutions for criminal proceedings. All proceedings shall be in accordance with applicable constitutional guarantees. The State Controller shall reimburse the counties for all expenses of transportation, care and custody of the patient and all trial and related costs. The state shall be represented by the Attorney General or the district attorney with the consent of the Attorney General. If the patient is indigent, the State Public Defender shall be appointed. The State Public Defender may provide for representation of the patient in any manner authorized by Section 15402 of the Government Code. Appointment of necessary psychologists or psychiatrists shall be made in accordance with this article and Penal Code and Evidence Code provisions applicable to criminal defendants who have entered pleas of not guilty by reason of insanity or asserted diminished capacity defenses.

(f) If the court or jury finds that the patient is a person described in subdivision (a), the court may order the patient committed to the State Department of Mental Health in a treatment facility. A commitment or a recommitment under Section 6316.1 shall be for a period of one year from the date of termination of the previous commitment.

(g) A person committed under this section to the State Department of Mental Health shall be eligible for outpatient release as provided in this article.

(h) Prior to termination of a commitment under this section, a petition for recommitment may be filed to determine whether the person remains a person described in subdivision (a). Such recommitment proceeding shall be conducted in accordance with the provisions of this article.

(i) Any commitment to the State Department of Mental Health under this article places an affirmative obligation on the department to provide treatment for the underlying causes of the person's mental disorder.

This section shall remain in effect only until January 1, 1979, and on such date is repealed.

SEC. 2. Section 6316.2 of the Welfare and Institutions Code is amended to read:

6316.2. (a) A person may be committed beyond the term prescribed by Section 6316.1 only under the procedure set forth in this section and only if such person meets all of the following:

(1) The "sex offense" as defined in subdivision (a) of Section 6302 of which the person has been convicted is a felony, whether committed before or after July 1, 1977, or is a misdemeanor which was committed before July 1, 1977.

(2) Suffers from a mental disease, defect, or disorder, and as a result of such mental disease, defect, or disorder, is predisposed to the commission of sexual offenses to such a degree that he presents a danger to the health and safety of others.

(b) If during a commitment under this part, the Director of Mental Health has good cause to believe that a patient is a person described in subdivision (a), the director may submit such supporting evaluations and case file to the prosecuting attorney who may file a petition for extended commitment in the superior court which issued the original commitment. Such petition shall be filed no later than 90 days before the expiration of the original commitment. Such petition shall state the reasons for the extended commitment, with accompanying affidavits specifying the factual basis for believing that the person meets each of the requirements set forth in subdivision (a).

(c) At the time of filing a petition, the court shall advise the patient named in the petition of his right to be represented by an attorney and of his right to a jury trial. The rules of discovery in criminal cases shall apply.

(d) The court shall conduct a hearing on the petition for extended commitment. The trial shall be by jury unless waived by both the patient and the prosecuting attorney. The trial shall commence no later than 30 days prior to the time the patient would otherwise have been released by the State Department of Mental Health.

(e) The patient shall be entitled to the rights guaranteed under the Federal and State Constitutions for criminal proceedings. All

proceedings shall be in accordance with applicable constitutional guarantees. The State Controller shall reimburse the counties for all expenses of transportation, care and custody of the patient and all trial and related costs. The state shall be represented by the Attorney General or the district attorney with the consent of the Attorney General. If the patient is indigent, the State Public Defender shall be appointed. The State Public Defender may provide for representation of the patient in any manner authorized by Section 15402 of the Government Code. Appointment of necessary psychologists or psychiatrists shall be made in accordance with this article and Penal Code and Evidence Code provisions applicable to criminal defendants who have entered pleas of not guilty by reason of insanity or asserted diminished capacity defenses.

(f) If the court or jury finds that the patient is a person described in subdivision (a), the court may order the patient committed to the State Department of Mental Health in a treatment facility. A commitment or a recommitment under Section 6316.1 shall be for a period of two years from the date of termination of the previous commitment.

(g) A person committed under this section to the State Department of Mental Health shall be eligible for outpatient release as provided in this article.

(h) Prior to termination of a commitment under this section, a petition for recommitment may be filed to determine whether the person remains a person described in subdivision (a). Such recommitment proceeding shall be conducted in accordance with the provisions of this article.

(i) Any commitment to the State Department of Mental Health under this article places an affirmative obligation on the department to provide treatment for the underlying causes of the person's mental disorder.

This section shall remain in effect only until January 1, 1980, and on such date is repealed.

SEC. 3. It is the intent of the Legislature, if this bill and Assembly Bill No. 3645 are both chaptered and become effective on or before January 1, 1979, both bills amend Section 6316.2 of the Welfare and Institutions Code, and this bill is chaptered after Assembly Bill No. 3645, that Section 6316.2 of the Welfare and Institutions Code, as amended by Section 1 of this act, shall remain operative until the effective date of Assembly Bill No. 3645, and that on the effective date of Assembly Bill No. 3645, Section 6316.2 of the Welfare and Institutions Code, as amended by Section 1 of this act, be further amended in the form set forth in Section 2 of this act to incorporate the changes in Section 6316.2 proposed by Assembly Bill No. 3645. Therefore, if this bill and Assembly Bill No. 3645 are both chaptered and become effective on or before January 1, 1979, and Assembly Bill No. 3645 is chaptered before this bill and amends Section 6316.2, Section 2 of this act shall become operative on the effective date of Assembly Bill No. 3645.

SEC. 4. The sum of thirty thousand dollars (\$30,000) is hereby appropriated from the General Fund to the State Controller for allocation and disbursement to local agencies pursuant to Section 2231 of the Revenue and Taxation Code to reimburse such agencies for costs incurred by them pursuant to Section 6316.2 of the Welfare and Institutions Code as enacted by Chapter 164 of the Statutes of 1977 and as amended by this act.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act is designed to correct a major technical flaw in Section 6316.2 of the Welfare and Institutions Code as enacted by Chapter 164 of the Statutes of 1977. That section operates in conjunction with other provisions of law which became operative on July 1, 1977, and provides additional safeguards against the premature release of dangerous persons and this act should, therefore, take effect as soon as possible.

CHAPTER 1037

An act to amend Sections 14132 and 14133.1 of the Welfare and Institutions Code, relating to Medi-Cal, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 22, 1978 Filed with
Secretary of State September 25, 1978.]

The people of the State of California do enact as follows:

SECTION 1. Section 14132 of the Welfare and Institutions Code, as amended by Section 3.7 of Chapter 1066 of the Statutes of 1977, is amended to read:

14132. The following is the schedule of benefits under this chapter:

(a) Outpatient services are covered as follows:

Physician, hospital or clinic outpatient, surgical center, optometric, chiropractic, psychology, podiatric, occupational therapy, physical therapy, speech therapy, audiology, and services of persons rendering treatment by prayer or healing by spiritual means in the practice of any church or religious denomination insofar as these can be encompassed by federal participation under an approved plan, subject to utilization controls.

(b) Inpatient hospital services, including, but not limited to, physician and podiatric services, physical therapy and occupational therapy, are covered subject to utilization controls.

(c) Skilled nursing facility services, including podiatry and