



OFFICE OF THE GOVERNOR

SEP 28 2024

To the Members of the California State Assembly:

I am returning Assembly Bill 3077 without my signature.

This bill would remove borderline personality disorder (BPD) as an exclusionary diagnosis for Department of State Hospital (DSH)-funded mental health diversion programs for defendants found incompetent to stand trial on felony charges.

In partnership with the Legislature, my administration has implemented significant investments to support diversion programs, community-based treatment, and timely access to treatment — all with the goal of destigmatizing behavioral health diagnoses and making services more readily accessible and affordable. Last year, I was proud to sign AB 1412 (Hart, 2023), which removed BPD as an exclusionary diagnosis for pretrial diversion. However, there are important differences between the two bills.

This bill matches individuals with BPD found incompetent to stand trial with DSH mental health diversion programs. Individuals with BPD have rarely been found incompetent to stand trial. I am concerned that this bill may have the unintended effect of expanding the waitlist for DSH services by increasing incentives to pursue incompetent to stand trial referrals for individuals with BPD in order to access state-funded diversion programs. Expanding the waitlist for DSH services could cause the department to violate court orders governing how quickly individuals must be admitted to state facilities for treatment, an unacceptable risk.



Further, this bill creates significant ongoing General Fund obligations not included in the 2024 Budget. In partnership with the Legislature this year, my Administration has enacted a balanced budget that avoids deep program cuts to vital services and protected investments in education, health care, climate, public safety, housing, and social service programs that millions of Californians rely on. It is important to remain disciplined when considering bills with significant fiscal implications that are not included in the budget, such as this measure.

For these reasons, I cannot sign this bill.

Sincerely,

A handwritten signature in black ink, appearing to be "Gavin Newsom", written over a horizontal line. The signature is stylized with a large, sweeping initial "G" and a long horizontal stroke at the end.

Gavin Newsom