



Monterey County Behavioral Health Policy and Procedure

Policy Number	312
Policy Title	Firearms Possession
References	Policy No. 308, Effective November Welfare & Institutions Code Section 5150
Form	None
Effective	January 1, 2001 Revised: April 25, 2003 Revised: April 1, 2008

Policy

Pursuant to Welfare & Institutions Code section 8103, the named individual is prohibited from possession firearms within 5 years of being taken into custody pursuant to Welfare and Institutions Code Section 5150, unless the individual requests a hearing. At the hearing the District Attorney has the burden of showing that the person would not be likely to use firearms in a safe and lawful manner. The District Attorney's office will issue a subpoena duces tecum. The documents listed below will aid the court in making that determination.

Procedure

1. The District Attorney will issue a subpoena duces tecum, which will be addressed to:

Monterey County Health Department
Behavioral Health Division
ATTN: CUSTODIAN OF RECORDS
1441 Constitution Blvd., Bldg. 400, Ste. 201
Salinas, CA 93906

2. The District Attorney must specify the documents requested by identifying the individual with name, social security number, and date of birth, commitment date and hospital. Those documents can include the following:

- a. Application for 72-hour detention for evaluation and treatment;
- b. Psychiatric admission evaluation;
- c. Notice of certification for intensive treatment, if any, with supporting clinical records and psychiatrist's notes;
- d. Certification review hearing form;
- e. Name of the current treating psychiatrist.

CW: APPR. 3/20/08