

**PROPOSED AMENDMENT TO
BUSINESS AND PROFESSIONS CODE SECTION 6007(b)**

[Added language in **bold**; deleted language in ~~strikeout~~]

§6007. Involuntary Enrollment as an Inactive Member

[Subdivision (a) remains unchanged]

- (b) The board shall also enroll a member of the State Bar as an inactive member in each of the following cases:
- (1) A member asserts a claim of insanity or mental incompetence in any pending action or proceeding alleging his or her inability to understand the nature of the action or proceeding or inability to assist counsel in representation of the member.
 - (2) The court makes an order assuming jurisdiction over the member's law practice, pursuant to Section 6180.5 or 6190.3.
 - (3) After notice and opportunity to be heard before the board or a committee, the board finds that the member, because of mental infirmity or illness, or because of the habitual use of intoxicants or drugs, is (i) unable or habitually fails to perform his or her duties or undertakings competently, or (ii) unable to practice law without substantial threat of harm to the interests of his or her clients or the public. No proceeding pursuant to this paragraph shall be instituted unless the board or a committee finds, after preliminary investigation, or during the course of a disciplinary proceeding, that probable cause exists therefor. The determination of probable cause is administrative in character and no notice or hearing is required. In the case of an enrollment pursuant to this subdivision, the board shall terminate the enrollment upon proof that the facts found as to the member's disability no longer exist and on payment of all fees required.
 - (4) After notice and opportunity to be heard before the board in a disciplinary proceeding relating to Article 15 of this chapter, the board finds that such inactive enrollment is necessary for the protection of the public or that it will contribute to the member's recovery from substance abuse or mental health issues. If the court orders a period of actual suspension in the disciplinary proceeding, any period of inactive enrollment pursuant to this subdivision shall be credited against the period of actual suspension ordered.**

[Subdivisions (c) through (h) remain unchanged]

APPENDIX C