

## Attachment C

### Proposed amendment to Business and Professions Code Sections 6140.9 and 6235

*Section 6140.9 of the Business and Professions Code is amended to read:*

#### **6140.9.**

(a) Moneys for the support of the program established pursuant to Article 15 (commencing with Section ~~6230~~ 6230), *treatment services for those who cannot afford to pay*, and related programs approved by the committee established pursuant to Section 6231 shall be paid in whole or part by a fee of ten dollars (\$10) per active ~~member~~ *licensee* per year, and by a fee of five dollars (\$5) per inactive ~~member~~ *licensee* per year.

(b) *On and after January 1, 2019, one dollar (\$1) of the ten-dollar (\$10) fee paid by each active licensee pursuant to subdivision (a) shall be transferred by the State Bar to a statewide nonprofit corporation, established by attorneys that has, for the last 25 years or more, provided peer support to attorneys recovering from alcohol and substance abuse in a confidential and anonymous manner, to fund the support of recovery efforts of the nonprofit corporation.*

~~The~~

(c) *The* board may seek alternative sources for funding the program. Any excess funds not needed to support the program, including reserve funds, may be transferred to fund the Client Security Fund established pursuant to Section 6140.5, provided there are sufficient funds available to fully support the program.

*Section 6235 of the Business and Professions Code is amended to read:*

#### **6235.**

(a) ~~Participants~~ *(1) Except as provided in paragraph (2), participants* in the Attorney Diversion and Assistance Program shall be responsible for all expenses relating to treatment and recovery. ~~In~~

*(2) Consistent with subdivision (b), funds collected pursuant to Section 6140.9 for the Attorney Diversion and Assistance Program may be used for treatment and recovery services for participants who demonstrate an inability to pay. The State Bar shall develop rules or guidelines to implement this paragraph.*

*(3) In* addition, the State Bar may charge a reasonable administrative fee to participants for the purpose of offsetting the costs of maintaining the program.

(b) Notwithstanding *paragraph (1) or (3) of* subdivision (a), the State Bar shall establish a financial assistance program to ensure that no ~~member~~ *licensee* is denied acceptance into the program solely due to the lack of ability to pay.