**COMMONWEAL**

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**JUVENILE JUSTICE** **AND**

**RELATED YOUTH PROGRAM BILLS**

**Introduced in the 2019 Session of the California Legislature**

**March 11, 2019**

This bulletin describes bills newly introduced in the 2019 session of the California Legislature on the subjects of juvenile justice, youth crime and violence prevention, probation foster care and related matters. This is the first year of the 2019/20 two-year session. The deadline for introducing bills was February 22nd . This report covers bills introduced and committee status through March 8th. Several bills at this stage of the legislative year are “spot” bills, meaning they are essentially placeholders without substance, indicating the intent of the author to supply content at a later date. We will likely be adding other bills of interest in subsequent reports. The deadline for fiscal bills to move to from policy to fiscal committee in the house of origin this year is April 26th; the deadline for non-fiscal bills to move to the Floor in the first house is May 3rd.  The full text of any bill can be accessed on the state legislative website at [www.leginfo.legislature.ca.gov](http://www.leginfo.legislature.ca.gov). More information on legislation, budget and policy issues affecting a range of youth justice subjects is available on the Commonweal Juvenile Justice Program website-- [www.comjj.org](http://www.comjj.org).

**Assembly bills**

***AB 003 (Cooper, D. – Sacramento). Sale of marijuana to minors.*** Spot bill making a non-substantive change to Section 26150 of the Business & Professions Code setting age 21 as the minimum age at which persons can purchase or have access to businesses selling marijuana products legalized by Prop 64 (2016). ***Not assigned to committee.***

***AB 175 (Gipson, D. – Carson). Foster care rights.*** AB 175 makes multiple changes to the foster care “bill of rights” at Welfare and Institutions Code Section 16001.9. Changes include new provisions on placement (including a new right to be placed in the least restrictive possible setting), on the privacy of foster youth regarding gender identity and sexual orientation, on access to health care and grooming products and in other areas. ***Passed the Assembly Committee on Human Services Committee on 2/26, re-referred to the Assembly Judiciary Committee.***

***AB 413 (Jones-Sawyer, D. – L.A.). Code references to at-risk or high-risk youth.*** AB 413 amends multiple sections of the Education, Penal and other California codes to replace references to “at-risk” or “high-risk” children or youth with “at-promise” and “high-promise” children or youth. ***Double referred to the Assembly Committees on Education and Public Safety.***

***AB 465 (Eggman, D. - Stockton). Dual status youth, definitions and outcome measures.*** AB 1911 (2016) required the California Judicial Council to convene a statewide stakeholder group to “facilitate and enhance comprehensive data and outcome tracking for the state’s youth involved in both the child welfare system and the juvenile justice system”. In 2017, the Judicial Council stakeholder group issued its report and recommendations including definitions, outcome measures and data system adjustments designed to standardize processing and tracking of dual status youth across California counties. AB 465 would partially implement these recommendations by adding, to Welfare and Institutions Code Section 241.2, eighteen standard definitions covering crossover youth, dual status and dually involved youth, homeless youth, recidivism and other definitions relevant to this caseload. ***Double-referred to the Assembly Committees on Judiciary and Human Services.***

***AB 493 (Stone, D. – Santa Cruz). Competency determinations and placements of minors with developmental disabilities*.** AB 493 amends current law pertaining to the competency of minors in delinquency proceedings by deleting the requirement that a regional center director or designee must pre-approve the placement of a developmentally disabled minor in a center or facility operated by the State Department of Developmental Disabilities. The bill adds a clarifying provision stating that a determination of a minor’s competency by the director of regional center or his/her designee is neither authorized nor required under revised competency provisions adopted in Welfare and Institutions Code Section 709 last year. ***Double-referred to the Assembly Committees on Public Safety and Human Services.***

***AB 665 (Gallagher, R. – Yuba City). Repeal of SB 394 youth offender parole reviews for juvenile LWOP prisoners.***  Over the last several years California has enacted new laws providing adult prisoners, whose crimes were committed as juveniles, with options and opportunities for sentence review and release on parole. In large part these reforms were enacted in response to United States Supreme Court decisions placing constitutional limits on long-term and life-without-parole (LWOP) sentences meted out to juveniles. These new limits were based on the High Court’s recognition of scientific evidence documenting developmental differences between juveniles and adults. In 2018, California enacted Senate Bill 394 (Lara), mandating sentence and parole eligibility review for California juveniles serving LWOP sentences in state prison. AB 665 would repeal the parole options and provisions made applicable to LWOP youth by SB 394. The prospective repeal raises new questions regarding California compliance with key sentencing decisions of the United States Supreme Court. ***In the Assembly Public Safety Committee.***

***AB 691 (McCarty, D. - Sacramento). Restraints used on pregnant inmates.*** Spot bill making non-substantive changes to Penal Code Section 3407 banning or limiting the use of physical restraints on pregnant inmates during labor or recovery on any adult or juvenile in a state or local correctional facility. ***In the Assembly Public Safety Committee.***

***AB 696 (Lackey, R. – Palmdale). Spot bill on sentencing in delinquency cases.*** AB 696 is a non-substantive amendment of Welfare and Institutions Section 727 which spells out the dispositional options available to the Juvenile Court upon a finding of wardship for a status or criminal offense under Section 601 or 602 of the WIC. ***Not yet assigned.***

***AB 748 (Gipson, D. – Carson). Nonminor dependents.*** AB 748 makes multiple changes to sections of the Welfare and Institutions Code defining nonminor dependents and their eligibility for continuing foster care benefits beyond age 18. The bill provides a procedure by which qualifying nonminors can petition the court to resume dependency jurisdiction (in lieu of transition jurisdiction), including a hearing process for nonminors in which the court must make various determinations regarding the nonminor’s continuing foster care status, living situation and status as a nonminor dependent. The bill also revises the criteria affecting access to benefits under voluntary re-entry agreements as defined in WIC Section 11400. Makes multiple other changes to sections on nonminor dependents. ***Double referred to Assembly Committees on Judiciary & Human Services.***

***AB 884 (Melendez, R. – Lake Elsinore). Sex offender registration for offenses involving minors***. AB 884 would modify recent sex offender registration reforms replacing lifetime sex offender registration with time-limited registration tiers based on offense severity. This bill would reclassify Penal Code Section 288 (a) offenses (lewd or lascivious conduct with a minor under age 14) as Tier 3 crimes triggering lifetime registration rather than Tier 2 crimes carrying a 20-year registration requirement. ***In the Assembly Public Safety Committee.***

***AB 901 (Gipson, D. – Carson). Removal of truancy from the delinquency jurisdiction of the Juvenile Court; limits on juvenile probation activity.*** AB 901 essentially wipes out the truancy jurisdiction of the Juvenile Court with amendments to Sections 601 (truancy wardship) and Section 258 (b) (enforcement of truancy orders). AB 901 would also amend Section 236 of the Welfare and Institutions Code by limiting the authority of a probation department to engage in delinquency prevention activities; under this change, probation’s juvenile crime prevention role would be limited to the supervision of juvenile court wards or juveniles on specific types of non-ward probation or informal supervision. ***In the Assembly Public Safety Committee.***

***AB 995 (Ting, D.- S.F.) Transitional Housing Plus Program.*** This bill modifies eligibility for the Transitional Housing Plus program by lowering the age at which former foster youth can qualify for the program from 18 at the time of exiting foster care to 16. Makes other changes to the THPP program. ***In the Assembly Human Services Committee.***

***AB 1005 (Arambula, D. - Fresno). Continuum of Care Reform—Family Urgent Response System.*** This bill requires the state Department of Social Services (DSS) to establish a statewide hotline as a point of entry for a Family Urgent Response System having the capability to respond to calls from caregivers or foster youth who are experiencing some sort of crisis. Spells out implementation requirements including that, by 1/1/21, county child welfare, probation, and behavioral health agencies must establish a joint county-based Family Urgent Response System that includes a mobile response and stabilization team to provide services for caregivers and current or former foster or youth who are experiencing a crisis. Each county or regional consortium of counties must, by November 2020, adopt an urgent response plan including procedures and services described in the bill. Implementation is contingent upon an appropriation of funds in the state budget. ***To the Assembly Human Services Committee.***

***AB 1061 (Gipson, D. – Carson). Foster care placement change protections for probation youth.*** Legislation enacted in 2018 mandated new protections for youth facing abrupt or unnecessary changes in foster placements. These protections, added at Welfare and Institutions Code Section 16010.7, require the social worker or placing agency, prior to a change in placement, to develop and implement a placement preservation strategy to preserve the current placement. A change in placement could then only be made if found necessary after attempted implementation of the plan to preserve the current placement. The 2018 measure also barred late night placement changes unless certain criteria pertaining to the age of the ward and consent of the parties were met. AB 1061 makes it clear that these placement preservation and change protections apply not only to dependent wards of the court but also to all types of wards in placement including those under the placement authority and supervision of the probation department. ***To the Assembly Human Services Committee.***

***AB 1235 (Chu, D. – San Jose). Homeless Youth Prevention Centers.*** This bill renames the “runaway and homeless youth shelter” category of community care facilities licensed by the state Department of Social Services (DSS). The new name given to these licensed group-care facilities is “Homeless Youth Prevention Centers”. In addition, the service mission for these facilities is expanded to include “y*outh who are at risk of homelessness, youth who are exhibiting status offender behavior, or runaway youth”.*  “Youth at risk of homelessness” is broadly defined to include youth meeting one or more criteria on a long list that includes financial stress, child or sexual abuse, mental health or substance abuse problems, unemployment and even “problematic gambling”. Services may be offered for up to 90 days (rather than the current short-term service limit of 21 days). The bill conforms multiple code sections to the new name.  ***Not yet assigned to committee.***

***AB 1321 (Gipson, D. – Carson). Use of chemical agents in juvenile facilities.*** AB 1321 imposes detailed monitoring and reporting requirements on juvenile facilities using chemical agents such as pepper spray. AB 1321 requires the custodian of each juvenile facility, including the Division of Juvenile Justice, to monitor and to report biennially to the Board of State and Community Corrections (BSCC) data on each use of a chemical agent including demographic information on minors affected use, reasons for use, efforts made to deescalate prior to use and to decontaminate after use, injuries suffered by minors and staff and other related information. As of 1/1/21, BSCC is required to inspect facilities having the highest levels of reported use of chemical agents and to provide training and technical assistance to facilities on deescalation and alternatives to chemical agents. The bill also requires the Legislative Analyst Office (LAO) to conduct a study on the use of chemical agents in juvenile facilities using data collected by BSCC and covering best-practices and policies including those in other states, with a report to the Legislature due by 1/1/21.

***To the Assembly Public Safety Committee.***

***AB 1354 (Gipson, D. – Carson). Education planning and transition requirements for juvenile justice youth.*** AB 1354 augments and expands the requirements of Education Code Section 48647 regarding transition plans and services for youth involved with the juvenile justice system. Current law requires each county office of education and county probation department to have a joint transitional planning policy to support the transition from court schools to public schools in the community. AB 1354 requires county offices of education to collaborate with probation and education agencies to take specific steps to support swift enrollment, records transfer, appropriate coursework and other links to mainstream or public schools. The bill also requires local education and probation departments to produce an individualized transition plan, as defined, for each juvenile detained for more than 20 school days, and it provides additionally for timely transition access to specified records and information.  ***Not yet assigned to committee.***

***AB1390 (Stone, D. – Santa Cruz). Spot bill for the Young Adult Deferred Entry of Judgment juvenile hall program.*** Spot bill making non-substantive changes to the six-county pilot program established 2016 that permits participating counties to place young adult felony offenders in juvenile hall custody programs for up to one year, as an alternative to serving a local jail sentence. Participants in the program must consent to participation, must not be charged with a listed serious offense and must initially plead guilty to the charge on a “deferred entry of judgment” basis that provides for dismissal of the charge(s) upon satisfactory completion of the program. The six counties currently in the pilot program include Ventura, Alameda, Santa Clara, Butte, Napa and Nevada, though the program has not been implemented actively in all of these sites. The author is expected to consider raising the age of eligibility for young adults, currently capped at age 21***. Not yet assigned***.

***AB 1394 (Daly, D. – Anaheim). Ban on fees charged for juvenile record sealing petitions.*** AB 1394 prohibits the court or the probation department from assessing any fee for juvenile record sealing petitions filed under WIC Section 781. The bill adds WIC Section 781.1 stating in full:  *A superior court or probation department shall not charge an applicant a fee for filing a petition to seal records under Section 781.* ***Not yet assigned to committee.***

***AB 1423 (Wicks, D. – Oakland). Transfers back from adult to juvenile court***. AB1423 adds Section 707.5 to the Welfare and Institutions Code, providing that a minor may make a motion to the court for a “reverse transfer hearing” to transfer his or her case back to juvenile court, if any of the felony charges or enhancements on which transfer to adult court was predicated are dismissed, reduced to a misdemeanor to fail to result in a conviction. The “hearing” and other process elements are not defined by the bill, which appears in subdivision 707.5 (b) to make the transfer back automatic or non-discretionary by stating that where the transfer-qualifying offense is reduced to a misdemeanor, dismissed or fails to result in a conviction “the case shall be transferred back to the juvenile court”. ***Not yet assigned to committee.***

***AB 1537 (Cunningham, R. – San Luis Obispo). Spot bill on juvenile record sealing.*** Non-substantive spot bill stating the intent of the Legislature to enact legislation in order to allow limited access to sealed juvenile records for purposes of prosecutorial discovery. ***Not yet assigned to committee.***

***AB 1603 (Wicks, D. – Oakland). California Violence Intervention and Prevention Program.*** AB 1603 codifies the existing CalVIP grant program which has previously been managed and appropriated through the budget process. The CalVIP grant program has been allocating an average of $9.2 million per year in competitive grants to cities and community-based agencies providing a range of youth violence prevention and gang crime reduction services. AB 1603 reiterates the main elements and objectives of the CalVIP program as presently administered by BSCC. It includes funding preferences for communities with high rates of homicides, shootings or community violence. It requires BSCC to establish a grant selection advisory committee including representatives from listed disciplines and perspectives. Interestingly, AB 1603 does not include the former budget and BSCC eligibility criteria limiting applicants to cities and community-based agencies providing violence prevention services. ***Not yet assigned to committee.***

***AB 1641 (Kiley, R. – Rocklin). No youth offender parole hearing for persons committing a listed homicide offense after age 18.*** Under youth sentencing reforms enacted over the last five years, certain individuals whose crimes were committed before age 25 and who received long or life prison terms were made eligible for a youth offender parole hearing leading to possible sentence reduction or release based on criteria stated in the reform bills. Penal Code Section 3051 makes certain offenders ineligible for parole review or relief based on the severity and timing of the commitment offense. AB 1641 would amend PC Sec. 3051 to further eliminate eligibility for youth offender parole hearings and possible early release for “*a person convicted of murder in the first or second degree for a murder that was committed after the person had attained 18 years of age.”* ***Not yet assigned.***

**Senate bills**

***SB 144 (Mitchell, D. – L.A.). Spot bill on elimination of criminal justice administrative fees.*** States intent to enact legislation “*to eliminate the range of administrative fees that agencies and courts are authorized to impose to fund elements of the criminal legal system, and to eliminate all outstanding debt incurred as a result of the imposition of administrative fees.”*  Intent language cites the damage done by administrative fees that “push families into poverty and can trap them in a cycle of debt” serving as “perpetual punishment” and having a disproportionate impact on communities of color. The bill is a follow up to Senator Mitchell’s 2017 legislation (SB 190) that eliminated a long list of court and county fees imposed on children and parents for numerous juvenile justice operations, services and sanctions. ***Not yet set for hearing.***

***SB 145 (Wiener, D. – S.F.). Option for relief from sex offender registration for certain offenses involving minors.*** SB 145 would permit a person required to register as a sex offender, for an offense involving communication with a minor with intent to commit a listed sex crime, to apply to the court for discretionary relief from the registration requirement, where the age difference between the minor and the registrant was less than 10 years at the time of the offense. The bill limits the opportunity to apply for relief to situations where contact or communication (usually by internet or electronic device) was the only offense triggering registration. ***To the Senate Public Safety Committee, set for hearing on April 2.***

***SB 284 (Beall, D.- San Jose). Increased county cost to send juveniles to the Division of Juvenile Justice (DJJ).*** SB 284 raises the statutory cost or charge to a county for certain commitments of juveniles to the state youth corrections system (DJJ). Currently, under Welfare and Institutions Code Section 912, a county committing an eligible juvenile to DJJ must pay the state a statutory fee which is set at $24,000 per youth per year, until age 23. This bill would raise the county charge for DJJ commitments to $125,000 per year for any juvenile who was under the age of 16 at the time of the offense or who, regardless of age, is committed on the basis of an offense that would earn less than seven years of imprisonment if the case had resulted in an adult court conviction on the commitment charge. The current $24,000 per youth/per year cost would remain in place for commitments of juveniles who are both over age 16 at the time of the offense and whose commitment offense would earn fewer than seven years of incarceration if processed as an adult court conviction. County charges are incurred for the full term of commitment (up to age 23) which is controlled by the state Board of Juvenile Hearings (BJH). The average length of stay for all DJJ juvenile court commitments in 2017 was 32 months. The goals of the bill are to disincentivize DJJ commitments of younger juveniles whose offense profiles fall in the lower echelons of listed serious/violent offenses that qualify for admission to DJJ, and to encourage retention of custody and supervision of those youth in local settings. ***In the Senate Public Safety Committee, set for hearing on March 26.***

***SB 419 (Skinner, D. – Berkeley). Limits on suspension of pupils for school disruption or defiance.*** Current law prohibits suspension of a pupil grades K-3, or recommended expulsion for pupils in grades 1-12, for disrupting school activities or otherwise willfully defying the authority of school personnel. SB 419 would extend this protection against suspension for disruption or defiance to include pupils in grades 4-8 in a school or charter school. It would also ban suspension of any pupil in grades 9-12 for these reasons until 2025. The bill re-introduces provisions of a similar bill carried by Senator Skinner last year that was vetoed by Governor Brown (SB 607). ***In the Senate Education Committee, hearing set for April 3.***

***SB 433 (Monning, D. - Carmel). Office of Youth Development and Diversion Pilot Program.*** SB 433 would establish an Office of Youth Development and Diversion (OYDD) within the state Department of Health to administer a three-year pilot program in up to five participating counties. The mission of the pilot program is to advance a comprehensive approach to diversion of youth from the juvenile and criminal justice systems and to promote positive youth development for youth at risk of justice system processing. Though no appropriation is made by the bill, SB 433 authorizes state OYDD grants to participating counties to support youth services in areas that include education, vocational training, health/mental health, mentoring and other named subjects. Applicants must establish a local youth development and diversion office to administer grant funds. Grant funds are to be allocated to community-based, non-governmental agencies providing diversion and development services to an at-risk target populations consisting of children, teens and transition-age youth who are homeless, school dropouts, disabled, undocumented, “LGBTQQI”, or otherwise defined as special needs or as involved with the juvenile or criminal justice systems. The bill includes multiple other criteria for the operation and administration of the pilots, drawing some content from last year’s Youth Reinvestment Grant program that appropriated $37 million in state funds for diversion grants now being administered by the Board of State and Community Corrections***. Double referred to the Senate Committees on Health and Public Safety.***

***SB 555 (Mitchell, D. – L.A.). Contracts for phone and communication services in jails and juvenile facilities***. SB 555 requires contracts for phone and communication services in juvenile facilities and jails to meet new minimum requirements. These include that the contract may not provide for commissions or fees to be paid to the jai or juvenile facility and that the contract must provide the “lowest cost of service to any person who pays for the telephone or communication service.” The contract provisions cover telephone service and video communications including video-visitation setups. SB 555 applies to jails and juvenile facilities including juvenile halls, camps and ranches. The bill also places limits on prices of articles sold to inmates in county jail stores and imposes further restrictions on how sheriffs may spend or use assets deposited in an incarcerated peoples’ welfare fund. ***In the Senate Public Safety Committee.***

***SB 678 (Glazer, D. Orinda). Restorative justice pilot program***. SB 678 establishes a Restorative Justice Pilot Program to administer five-year grants to up to three counties to operate restorative justice programs for adult offenders. The programs apply a restorative justice model that involves contact and agreement with the victims of crime leading to an individual plan that will “bring amends to the victim and the community” while promoting individual rehabilitation. Defendants are selected by the district attorney and upon consent of the defendant and his or her counsel. Persons charged with listed serious or violent crimes are not eligible. Upon admission to a pilot program, criminal proceedings are suspended for up to 36 months. Upon satisfactory completion of the program as determined by the court, the charges must be dismissed by the court. Grant funds (yet to be appropriated) for the pilots are to be administered on a competitive basis by the Board of State and Community Corrections.  ***Not yet assigned to committee.***

***SB 694 (Stone, R. – La Quinta). Misdemeanor to bring cell phone into juvenile facility*.** Adds a misdemeanor punishable by a $1000 fine for bringing a wireless communication device, including a cell phone, pager, watch or similar device, into a juvenile hall, camp or ranch. ***Not yet assigned.***

***SB 710 (Bates, R. – Laguna Hills). DNA and fingerprint collection for adult and juvenile misdemeanors, Prop 47 changes.*** Current law requires DNA samples and fingerprints to be collected from adults or juveniles with felony convictions or adjudications. This bill would extend these DNA and fingerprint requirements to adults or juveniles convicted or adjudicated for listed misdemeanor offenses. The bill also modifies the terms of Proposition 47 by restoring felony and prison-eligibility status to some of the offenses that were reduced to misdemeanors by the initiative. ***Not yet assigned to committee.***

***SB 716 (Mitchell). Access of detained juveniles to post-secondary academic and technical education programs****.* SB 716 requires local probation departments and the Division of Juvenile Justice to provide juvenile detainees with access to a “full array of postsecondary academic and career technical education programs of their choice.” The probation department and DJJ, with respect to their detained juvenile populations, must collaborate with the California Community Colleges, the California State University and the University of California to ensure that juveniles with a high school diploma or high-school equivalency certificate have access to the to these post-secondary programs. While the mandate to provide these post-secondary services does not apply to detainees who have yet to meet their high school graduation requirements, the bill specifies that pre-graduation youth are not precluded from participation in the post-secondary programs mandated for those who have high school graduation status. ***Not yet assigned.***

*Bill digests by David Steinhart, Director, Commonweal Juvenile Justice Program. Updated reports are posted on our website at* [*www.comjj.org*](http://www.comjj.org)*.*