

COMMONWEAL

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JUVENILE JUSTICE AND RELATED YOUTH PROGRAM BILLS

Pending in the 2019 Session of the California Legislature

April 12, 2019

This bulletin describes bills pending 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 edition covers bill amendments and committee status through April 11th, and it includes several bills that have been added to our tracking list. The Legislature began its annual Spring break on April 11th and will reconvene on April 22nd. 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 found on the state legislative website at www.leginfo.legislature.ca.gov. More information on legislation, budget and policy affecting a range of youth justice subjects is available on the Commonweal Juvenile Justice Program website-- www.comjj.org.

Assembly bills

AB 3 (Cooper, D. – Sacramento). Adolescent Cannabis Prevention Fund. As amended, this bill creates a state fund from fines or penalties assessed against licensed cannabis providers for failing to adequately check the age or ID of persons purchasing marijuana products. Assets in the fund would be used, upon appropriation by the Legislature, “for the purposes of preventing persons under 21 years of age from accessing cannabis and cannabis products”. *In the Assembly Business and Professions Committee for hearing 4/23.*

AB 18 (Levine, D. – Marin County). Gun excise tax to support violence prevention programs. AB 18 imposes a state excise tax of \$25 on the retail sale of each firearm “sold as new” in California, beginning in January of 2020. The proceeds are to be deposited in a state violence prevention fund to support grants made under the California Violence Prevention and Intervention (CalVIP) Grant Program. AB 18 also codifies the CalVIP grant program that was previously administered through the budget process. CalVIP has been allocating an average of \$9.2 million per year in competitive grants awarded by the Board of State and Community Corrections (BSCC) to cities and community-based agencies providing a range of youth violence prevention and crime reduction services. AB 18 restates the current objectives of the CalVIP program, with funding preferences for communities with high rates of homicides, shootings or community violence. It re-defines the target population served by the grants as cities that are “disproportionately impacted by violence” based on the number or rate of homicides specified in the bill, while also allowing grants to be made to applicants who otherwise demonstrate “unique and compelling need for additional resources to address the impact of homicides, shootings and aggravated assaults in the applicant’s community”. Preference must now be given to applicants that demonstrate the greatest likelihood that their programs will

reduce the incidence of homicides, shootings and aggravated assault. Applicants may, as before, be cities or community-based agencies serving the residents of the target cities. The bill requires BSCC to establish a grant selection advisory committee including representatives from listed disciplines and perspectives. The CalVIP grant program provisions of AB 18 are identical those also contained in AB 1603 (Wicks, see below). *Passed the Assembly Public Safety Committee on 4/9, to the Assembly Revenue and Taxation Committee.*

AB 122 (Grayson, D.- Concord). Minor’s consent to sharing information among domestic violence and human trafficking multi-disciplinary teams. Current law permits a city, county or community-based agency to establish a domestic violence multi-disciplinary personnel team and/or a human trafficking multi-disciplinary team of qualified specialists to provide services to affected children and families. The Penal Code sections authorizing these MDT’s include limits on the sharing of information provided or disclosed to the teams— including a requirement that a person must consent to the sharing of information obtained from him or her. AB 122 maintains this consent requirement for adults but effectively eliminates it for minors from whom the information is obtained. *In the Assembly Public Safety Committee—three hearings were cancelled by the author.*

AB 175 (Gipson, D.- Carson). 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 Human Services and Judiciary Committees, on suspense in the Assembly Appropriations Committee.*

AB 413 (Jones-Sawyer, D. – L.A.). Code references to at-risk youth. As introduced, AB 413 amended multiple sections of the Education and Penal codes to replace references to “at-risk” or “high-risk” children or youth with “at-promise” and “high-promise” children or youth. As amended, the bill deletes the new references to “high-promise” children and youth while retaining changes in multiple code sections replacing references to “at-risk” children and youth with “at-promise” children and youth. *Passed the Assembly Education Committee on 4/10; referred to the Assembly Public Safety Committee for hearing on 4/23.*

AB 439 (Stone, D. – Santa Cruz). Competency determinations and placements of minors with developmental disabilities. AB 439 amends current law on 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. Non-fiscal bill. *Passed the Assembly Public Safety and Human Services Committees, pending on the Assembly Floor.*

AB 465 (Eggman, D. - Stockton). Dual status youth, definitions and outcome measures. In 2016, AB 1911 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. Non-fiscal bill. ***Passed the Assembly Judiciary and Human Services Committees; pending on the Assembly Floor.***

AB 656 (Eduardo Garcia, D. – Coachella). Office of Healthy and Safe Communities. AB 656 would create the state Office of Healthy and Safe Communities (OHSC) to develop and oversee a comprehensive state violence prevention strategy and to expand community-based violence reduction programs and services. The OHSC would be managed by the California Surgeon General in coordination with the Governor. AB 656 lists goals and activities for the OHSC including “develop a California vision and plan for violence prevention, safety and healing...aligned with funding to drive population level results for decreasing exposure to violence”, “identify and integrate trauma-centered diagnostic tools”, and “create a learning community” to share promising practices, research, data and approaches to violence prevention. An OHSC Director would be appointed by the Governor and the Surgeon General. The bill also creates an Advisory Committee composed of designated public and community-level violence prevention specialists. Includes a \$6 million appropriation. ***Passed the Assembly Public Safety Committee; to the Assembly Health Committee, hearing set for 4/23.***

AB 665 (Gallagher, R. – Yuba City). Partial repeal of SB 394 youth offender parole reviews for juvenile LWOP prisoners. In 2018, California enacted Senate Bill 394 (Lara), mandating sentence and parole reviews for California juveniles serving life-without-parole (LWOP) sentences in state prison. SB 394 provided that a person whose LWOP offense occurred prior to age 18 could petition the sentencing court to recall the sentence or to resentence the person with the possibility of parole based on multiple factors delineated by the United States Supreme Court in *Miller v. Alabama* and by SB 394. As introduced, AB 665 was a full repeal of Senate Bill 394. As now amended in response to opposition based on non-compliance with constitutional requirements, AB 665 would allow for resentencing hearings for juvenile LWOP inmates after 15 years of incarceration, but it would disallow recall of the sentence by the court while also requiring that the individual be resentenced to life with the possibility of parole unless the person is determined to be “invariably corrupt or incapable of rehabilitation” (in which case the LWOP status would remain in effect). AB 665 continues to represent a substantial push-back on the parole relief provisions provided for juvenile LWOP inmates by SB 394. ***In the Assembly Public Safety Committee, no hearing date set.***

AB 691 (McCarty, D. - Sacramento). Restraints used on pregnant inmates. No longer a bill banning the use of physical restraints on pregnant inmates during labor or recovery in adult or juvenile correctional facilities. ***Gutted and amended, will be removed from our tracking reports.***

AB 696 (Lackey, R. – Palmdale). Study on effects of using pepper spray on juvenile detainees. AB 696 would require the Board of State and Community Corrections (BSCC) to contract with a research entity to conduct a study on the “efficacy and impacts of the use of pepper spray” in county juvenile halls and probation camps and ranches. The study must examine the impacts of pepper spray and juveniles and on facility staff and address best practices for de-escalation of fights and for training of staff. The research entity is broadly described as one having a research focus on youth institutional care while being non-partisan and not having taken a policy position previously on the use of pepper spray in juvenile facilities. The bill, sponsored by the Chief Probation Officers of California (CPOC), is a milder approach to the juvenile pepper spray controversy when compared to the stronger controls mandated by AB 1321 (Gipson), covered below. ***In the Assembly Public Safety Committee, hearing set for 4/23.***

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. ***Passed the Assembly Committees on Judiciary & Human Services, to the Assembly Appropriations Committee.***

AB 750 (Chen, R. – Yorba Linda). Armed school resource officers. As amended on 3/14, AB 750 required each local school district or charter school to hire at least one armed school resource officer to be present during school hours and at other times when pupils are present on campus. As amended on 3/21, the bill slightly modifies this requirement by removing the reference to “armed” school resource officers while retaining the requirement that each school district or charter school in California shall contract with a school resource officer who is “authorized to carry a loaded firearm” and who must be present during school hours and at any other time when children are present at the school. ***Failed passage in the Assembly Education Committee on 4/10.***

AB 884 (Melendez, R. – Lake Elsinore). Sex offender registration for offenses involving minors. AB 884 would modify recent sex offender registration reforms that have replaced 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. ***Failed passage in the Assembly Public Safety Committee on 4/9.***

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. ***Passed the Assembly Public Safety Committee on 3/21, on suspense in the Assembly Appropriations Committee.***

AB 927 (Jones-Sawyer, D. – L.A.). Ability to pay fines or fees in juvenile proceedings. AB 927 requires the criminal court, prior to imposing a fine or fee on a defendant for a misdemeanor or felony, to determine that the defendant has the ability to pay the fine or fee based on criteria specified in the bill. As amended, the bill applies these requirements to fines or fees imposed in juvenile delinquency proceedings as well. ***Passed the Assembly Public Safety Committee, on suspense in the Assembly Appropriations Committee.***

AB 965 (Stone, D.- Santa Cruz). Credits reducing wait time for youth offender parole hearings. Under current law a person serving a long or life prison term for a controlling offense committed while age 25 or younger is eligible after 15, 20 or 25 years of incarceration (depending on the nature of the conviction) for a youth offender parole hearing at which the Board of Parole Hearings may set a new or revised parole release date. AB 965 reduces the net wait time for a youth offender parole

hearing by the number of days of credit earned by the inmate for participation in CDCR rehabilitation or education programs. The bill makes similar changes to the Elder Parole Program. ***Passed the Assembly Public Safety Committee, on suspense in the Assembly Appropriations 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. ***Passed the Assembly Human Services Committee on 4/10, to the Assembly Appropriations 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. AB 1005 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 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. ***In the Assembly Human Services Committee, hearing postponed by the author, not yet re-scheduled.***

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. ***Passed the Assembly Human Services Committee on 4/1, to the Assembly Appropriations Committee.***

AB 1235 (Chu, D. – San Jose). Youth Homelessness 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 (and changed again by recent amendment) is “Youth Homelessness Prevention Centers”. In addition, the service mission for these facilities is expanded to include “*youth 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 identification as “LGBTQ”, having 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. ***Passed the Assembly Human Services Committee on 4/9, to the Assembly Appropriations 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 data, on a quarterly schedule, to the Board of State and Community Corrections (BSCC) 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 de-escalation 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. ***Passed the Assembly Public Safety Committee on a 5-0 vote on 4/9, to the Assembly Appropriations 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 “as needed” with local 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. ***Passed the Assembly Education Committee on 4/1, in the Assembly Appropriations Committee.***

AB 1390 (Stone, D. – Santa Cruz). Young Adult Deferred Entry of Judgment juvenile hall program—age of eligibility. AB 1390 raises the age of eligibility for young adults participating in the deferred entry of judgment juvenile hall pilot program, from a top age of 20 to a top age of 24 (“under 25”). Under the terms of the bill, an adult offender between the ages of 21-24 may be offered participation in the program only upon the recommendation of the multi-disciplinary team that oversees local pilot program. This six-county pilot program was established 2016, allowing 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. Those offered 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. Non-fiscal bill. ***Passed the Assembly Public Safety Committee on 4/9, to the Assembly Floor.***

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.* ***In the Assembly Judiciary Committee, hearing not set.***

AB 1423 (Wicks, D. – Oakland). *Transfers back from adult to juvenile court.* AB1423 adds Section 707.5 to the Welfare and Institutions Code, establishing a new process for transferring jurisdiction from the adult criminal court back to the juvenile court for purposes of determining a disposition where the adult court action did not result in conviction on a transfer-eligible offense. Under AB 1423, the case must be returned to the juvenile court for disposition if the individual was found to have committed only misdemeanors in the adult court. A different process applies where the individual is found by the adult court to have committed a felony offense not listed in WIC Section 707 (b)—i.e. not a transfer-eligible offense. Where the person is convicted only of a non-707 (b) felony, the adult court has discretion to return the case to the juvenile court for disposition. In considering whether to return the case to the juvenile court under these circumstances, the criminal court is must determine “by a preponderance of evidence that a juvenile disposition is in the interests of justice and the welfare of the person”. As amended in the Public Safety Committee, the same discretionary criteria for the adult court to return the case to juvenile court for disposition apply where the juvenile defendant pleads guilty only to one or more non-707 (b) felonies (as the result of a plea bargain), except that in these situations the prosecutor must agree to the transfer-back. ***Passed the Assembly Public Safety Committee on 4/9, to the Assembly Appropriations Committee.***

AB 1537 (Cunningham, R. – San Luis Obispo). *Prosecutor “Brady” access to sealed juvenile records.* As now amended, AB 1537 establishes a new process under which the prosecutor may seek access to information contained in a sealed juvenile offense record, in order to meet a statutory or constitutional obligation to disclose exculpatory information to the defense in a criminal case (“Brady” disclosure). The bill injects this new process into four separate code sections governing the method and process for sealing of juvenile offense records—including Welfare and Institutions Code Sections 786 (“auto sealing”), 781 (sealing by petition) and 793 (sealing after deferred entry of judgment), and Penal Code Section 851.7 (sealing of misdemeanor records). Under the new process, the DA can petition for Brady access to the sealed juvenile record under limited circumstances already defined in current sealing law, with the added provision that the decision to allow prosecutor access to the record may be shifted by the juvenile court to the adult criminal court if the juvenile court is unable to rule on the prosecutor’s request by a deadline that is established by the prosecutor initiating the disclosure request. If the determination on disclosure is shifted to the adult criminal court, that court is also charged with meeting other existing protections that apply to the person with the sealed record, including a decision on which portions of the record are to be disclosed and limits on disclosure to protect the confidentiality of the person whose sealed record is accessed and used in the separate criminal proceeding. ***In the Assembly Public Safety Committee, hearing set for 4/23.***

AB 1603 (Wicks, D. – Oakland). *California Violence Intervention and Prevention Program.* AB 1603 codifies and modifies 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 awarded by the Board of State and Community Corrections (BSCC) to cities and community-based agencies providing a range of youth violence prevention and crime reduction services. AB 1603 restates the current objectives of the CalVIP program, with funding preferences for communities with high rates of homicides, shootings or community violence. It re-defines the target population served by the grants as cities that are “disproportionately impacted by violence” based on the number or rate of homicides as specified in the bill, while also allowing grants to be made to applicants who otherwise demonstrate “unique and compelling need for additional resources to address the impact of homicides, shootings and aggravated assaults in the applicant’s community”. Preference must now be given to applicants that demonstrate the greatest likelihood that their programs will reduce the incidence of homicides, shootings and aggravated assault. Applicants may, as before, be cities or community-based agencies

serving the residents of the target cities. The bill requires BSCC to establish a grant selection advisory committee including representatives from listed disciplines and perspectives. Identical provisions are included in AB 18, covered above. ***Passed the Assembly Public Safety Committee on 4/9, to the Assembly Appropriations 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.*” ***In the Assembly Public Safety committee, hearing date not set.***

Senate bills

SB 144 (Mitchell, D. – L.A and Hertzberg, D. – Van Nuys). Elimination of criminal justice administrative fees. This massive (142 sections) bill eliminates the authority of counties, courts and other agencies to charge fees for a wide range of juvenile and criminal justice system proceedings and operations—including fees that may now be assessed for probation and diversion programs, placement and incarceration, drug testing, attorneys fees, drug testing and other activities. On the juvenile justice side, specific sections would wipe out fees that can presently be assessed on persons aged 26 or older for sealing of juvenile offense records. However, the bill retains the authority of county agencies to assess parents or guardians for support costs related to the detention or placement of a minor upon arrest or by order of the juvenile court. SB 144 supplements 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 services and sanctions Those interested in a detailed view of the administrative costs curtailed by SB 144 are advised to review the extensive text of the bill. ***In the Senate Public Safety Committee, set for hearing on April 23.***

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. ***Passed the Senate Public Safety Committee on 4/9, to the Senate Appropriations Committee.***

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 in the lower echelons of listed serious/violent offenses that qualify for admission to DJJ, and to encourage retention of custody and supervision in local settings. ***Passed the Senate Public Safety Committee on 3/26, to the Senate Appropriations Committee for hearing 4/22.***

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). Non-fiscal bill. ***Passed the Senate Education Committee on 4/10, pending on the Senate Floor.***

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 Social Services (DSS), and in collaboration with the state Dept. of Public 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 public health 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. SB 433 authorizes state OYDD grants to participating counties to support services including youth education, vocational training, health/mental health, mentoring and other named areas. Applicants must establish a local youth development and diversion office to administer grant funds, including a multi-disciplinary team of designated representatives to oversee the implementation of the local grant program. Grant funds are to be allocated by the local OYDD to community-based, non-governmental agencies providing diversion and development services to 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. It is modeled to some extent on the Los Angeles County Division of Youth Diversion and Development and on the state’s 2018 Youth Reinvestment Grant program presently administered by the Board of State and Community Corrections. ***Passed the Senate Public Safety Committee on 4/9, referred to the Senate Committee on Human Services.***

SB 485 (Beall, D. – San Jose). Elimination of driving privilege restrictions for listed offenses. Under current law the Department of Motor Vehicles or the court may or must restrict or suspend driving privileges as a penalty related to the commission of listed crimes and tax delinquencies. SB 485 would prohibit the DMV from suspending or delaying a driver’s license based on conviction of a criminal offense that is not also a violation of the Vehicle Code. Furthermore, the bill would generally eliminate the authority of the Department or the court to suspend driving privileges for tax delinquencies or for listed offenses including prostitution, lewd or dissolute conduct, substance abuse or alcohol or firearm use. ***Passed the Senate Public Safety Committee on 4/2, to the Senate Appropriations Committee for hearing on 4/22.***

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 jail 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. 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 in an incarcerated peoples’ welfare fund. ***Passed the Senate Public Safety Committee on 4/2, to the Senate Appropriations Committee for hearing on 4/22.***

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. Participants are selected by the district attorney and must consent to participation. 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. Grant funds (yet to be appropriated) would be administered by the Board of State and Community Corrections. ***In the Senate Public Safety Committee, hearing set for 4/23.***

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. ***In the Senate Public Safety Committee, hearing re-scheduled for 4/23.***

SB 710 (Bates, R. – Laguna Hills). DNA and fingerprint collection for 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 convicted of 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. ***In the Senate Public Safety Committee, hearing not set.***

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 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. ***Passed the Senate Public Safety Committee on 4/9, to the Senate Appropriations Committee.***

Bill digests by David Steinhart, Director, Commonweal Juvenile Justice Program. Updated reports are posted on our website at www.comjj.org.