**COMMONWEAL**

**The Juvenile Justice Program □** [***www.comjj.org***](http://www.comjj.org)

**JUVENILE JUSTICE** **AND**

**RELATED YOUTH PROGRAM BILLS**

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

**September 14, 2019— Final legislative action**

The California Legislature ended its 2019 session on September 13th. This bulletin describes outcomes for tracked bills on the subjects of juvenile justice, youth crime and violence prevention, probation foster care and related matters. Amendments and final status are current as known through the end of session. Active bills that were not passed by both houses become “two year” bills that can be taken up again in next year’s session. For measures passed by both houses, the Governor has until October 13th to sign or veto bills. Bills signed into law by the Governor become effective January 1, 2020 unless otherwise noted or provided for in the bill. For convenience we have highlighted bills that are awaiting Governor’s action (or have been signed into law) with a check-box 🗹 preceding the entry. Floor votes where shown are in the order “aye-no-not voting”.

This edition also includes a summary of the reorganization of the Division of Juvenile Justice as enacted by the Public Safety Omnibus Trailer Bill (SB 94) that became law on June 27th (see the last page of this report). The full text of any bill can be found on the state legislative website at [www.leginfo.legislature.ca.gov](http://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](http://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***”. Held in the Assembly Appropriations Committee, two year bill.***

***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 newly created state 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. The provisions codifying the CalVIP program are now covered by Assembly Bill 1603 (Wicks), covered below in this report. ***Hearing in Assembly Appropriations postponed; two year bill.***

***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 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. ***Hearings cancelled in the Assembly Public Safety Committee; failed to meet policy committee deadline; dead.***

***🗹 AB 175 (Gipson, D.- Carson).*** ***Foster care bill of rights.*** AB 175 started out by making multiple changes to the foster care “bill of rights” at Welfare and Institutions Code Section 16001.9. The revisions included new rights on placement (including a new right to be placed in the least restrictive possible setting), privacy regarding gender identity and sexual orientation, access to health care and grooming products and other rights. In June the bill was amended into a still more expansive list, increasing the total number of listed foster care rights from 29 (including sub-rights) to 45. New items on the list include the right to a placement that utilizes trauma-informed and evidenced-based de-escalation techniques; the right have law enforcement intervene only where there is an imminent threat to life or safety; the right to attend school and to “remain in the child’s school of origin”; new rights of attorney representation including the right to “investigate and report to the court in legal interests beyond the scope of the juvenile proceeding”; and additional rights in the areas of access to health and reproductive health care. The bill also includes specified rights for Indian tribal youth. AB 175 also expands the responsibilities of the Office of the State Foster Care Ombudsman to include providing training and technical assistance on foster care rights to a broad range of youth, providers and public agency personnel and including a mandate to compile and disseminate additional data on foster care rights complaints. ***Passed the Assembly (final vote) 61-10-8; passed the Senate 30-8-2). Enrolled to the Governor 9/10.***

***🗹 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 finally 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 (66-4-9). Passed the Senate (34-2-9). Enrolled to the Governor 9/3.***

***🗹 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. ***Signed into law, Stats. of 2019, Chapter 161.***

***~~AB 465 (Eggman, D. - Stockton). Dual status youth, definitions and outcome measures.~~ Gutted and amended in August into a firearm control bill****.* Before gut-and-amend, AB 465 implemented many of the recommendations made by a California Judicial Council stakeholder group responding to a legislative mandate 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” (AB 1911). AB 465 would have added, at 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

***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 bill provides that OHSC would be housed in the state Department of Public Health with the director to be appointed by 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”, “connect the vision and plan to the Governor’s strategies for youth development, criminal and juvenile justice reform”, “identify and integrate trauma-centered diagnostic tools”, and “create a learning community” to share promising practices, research, data and approaches to violence prevention. The bill also creates an Advisory Committee composed of designated public and community-level violence prevention specialists. Implementation depends on appropriation of funds.

***Passed the Assembly (60-13-7). Held in the Senate Appropriations Committee, two year bill.***

***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 later amended 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). ***This bill pushing back on the parole relief provisions of SB 394 was withdrawn by the author.***

***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 on juveniles and facility staff and must address best practices for de-escalation of fights. The bill, sponsored by the Chief Probation Officers of California (CPOC), is a milder approach to the juvenile pepper spray controls mandated by AB 1321 (Gipson), though AB 1321 has since been gutted and amended. ***Held in the Assembly Appropriations Committee; two year bill.***

***🗹 AB 748 (Gipson, D. – Carson). Dependency disposition hearings for minors who turn 18.*** AB 748 has been stripped of multiple provisions redefining nonminor dependents and their eligibility for continuing foster care benefits beyond age 18. As amended, the bill establishes a disposition hearing process for youth who were found to be dependent wards of the court before turning 18, with a disposition hearing pending. Under the revised process at Welfare and Institutions Code Section 358 (d), the youth may opt out of the foster care system and request that dependency jurisdiction be terminated. Alternatively, the new procedure establishes a link that would permit the individual to qualify as a nonminor dependent. A June amendment provides that the nonminor dependent’s right to be represented by counsel continues after attaining age 18. ***Passed the Assembly (79-0-0). Passed the Senate (40-0-0). Enrolled to the Governor on 9/10.***

***AB 750 (Chen, R. – Yorba Linda). Armed school resource officers.*** 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. As amended the bill slightly modified 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”. ***Failed passage in the Assembly Education Committee on 4/10, dead.***

***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). Elimination of 601 jurisdiction for truancy; related education law changes; probation supervision programs; notices to appear; referrals to district attorney.*** AB 901 has traveled a bumpy road through this session of the Legislature. It started as a bill to repeal the status offense (WIC 601) jurisdiction of the juvenile court, but then was dialed back to delete 601 jurisdiction in truancy cases, leaving general status offense jurisdiction over 12-17 year olds intact. A host of education law changes were added to re-define non-wardship options in truancy cases. The bill includes changes to probation processing and supervision of both status offense and delinquency cases. Due to amendments in the last week of session, AB 901 went back to the Senate Education Committee where it was held as a two year bill that will be taken up again in 2020. In its present form, AB 901 does this:

* States legislative intent that truancy and other status offenses should be diverted from citation, arrest and court and that the role of probation should be clarified to prioritize diversion, alternatives to detention, and county based alternatives to state (DJJ) commitment.
* Removes truancy from WIC Section 601 as a status offense that can result in wardship.
* Adds numerous changes to the Education and Welfare and Institutions Codes, recasting how truancy cases can be processed by SARBs and through local truancy mediation programs; deletes authority of SARBs, probation and DA’s to trigger wardship proceedings for truancy.
* Changes the criteria for referral and enrollment of truants in community day schools and alters the local control funding formula to include supplemental funds for community schools.
* Modifies Ed. Code sections holding parents accountable for a child’s failure to attend school.
* Amends WIC Section 236 defining the role of probation to provide that where probation services or programs are offered to minors not on probation (or to parents), programs must be voluntary and must not include conditions or consequences for failure to engage or complete the program.
* For remaining status offenses, prior to issuing a notice to appear an arresting officer must first refer the minor for services to a “community-based resource” or another designated service agency.
* Deletes WIC Sec. 258 (infractions and misdemeanors) authority of the court or hearing officer to impose sanctions in truancy cases.
* Changes WIC Sec. 653.5 criteria for referral of 602 cases to the District Attorney by removing the requirement that a DA referral must be made where informal supervision has previously been tried.
* Modifies WIC Section 654 (informal probation supervision) by re-defining the types of services to which the juvenile may be referred and by removing the requirement that a failure by the minor to participate in the program for 60 days must result in the filing of a wardship petition by the probation officer (or by referral to the DA); the initiation of petition proceedings by the probation officer becomes discretionary rather than mandatory in these situations.
* Postpones the effective dates of the truancy-related provisions to be operative starting July 2021.

This is a long and complex bill and the reader is advised to consult the full bill text for a full appreciation of its many provisions, while also recognizing that as a two-year bill, further changes are likely in 2020.  ***Passed the Assembly in an earlier version (42-27-11). Then, after 9/6 amendments, re-referred to and held in the Sen. Education Committee. Two year bill.***

***🗹 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 (63-5-11), passed the Senate (32-5-3). Enrolled to the Governor 9/10.***

***🗹 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 release date. As introduced, AB 965 reduced 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. As amended in August, the mandatory time-credit provisions were deleted. Now the bill defers to CDCR to adopt future regulations that would determine what if any program time-credits an eligible prisoner would receive to advance his or her youthful offender parole hearing date. ***Passed the Assembly (concurrence, 47-27-5). Passed the Senate (26-12-2). Enrolled to the Governor 9/10.***

***AB 995 (Ting, D.- S.F.) ~~Transitional Housing Plus Program~~. Gutted and amended*** into a hazardous waste bill on September 6th. No longer a juvenile bill. To be dropped from tracking list.

***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, not moved, failed to meet policy committee deadline.***

***🗹 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. This bill modifies these provisions by now requiring that the placement preservation strategy be developed by the social worker or probation officer with the caregiver in consultation with the relevant child and family team. A change in placement could then only be made if found necessary after attempted implementation of the plan to preserve the current placement and after14 days’ notice to the child’s parent/guardian/caregiver, to the child (if over age 10) and to other listed parties. Under AB 1061, the placement preservation strategy can be bypassed if the existing placement is determined by the social worker or probation officer to pose an imminent risk to the health or safety of the child or others in the facility, if the child or child’s representatives waive the process or if the change in placement is pursuant to Section 777 (supplemental probation petition) finding or to hospitalization. ***Passed the Assembly (79-0-0), passed the Senate (37-0-3). Enrolled to the Governor 9/10.***

***🗹 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 is “Youth Homelessness 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 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). Conforms multiple code sections to the new name. ***Passed the Assembly (74-0-5), passed the Senate (39-0-1), Enrolled to the Governor 9/3.***

***AB 1321 (Gipson, D. – Carson). ~~Use of chemical agents in juvenile facilities~~. Gutted and amended, no longer a juvenile justice / pepper spray bill. Will be dropped from the tracking list.*** Prior to gut and amend, AB 1321 imposed detailed monitoring and reporting requirements on state and local juvenile facilities using chemical agents such as pepper spray. The bill required the custodian of each juvenile facility, including the Division of Juvenile Justice, to monitor and to report detailed quarterly data to the Board of State and Community Corrections on each use of a chemical agent. The bill also required the Legislative Analyst Office (LAO) to conduct a study on the use of chemical agents in juvenile facilities using BSCC data

***🗹 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 the probation department, and with local 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 transfers of specified records and other information within 72 hours of release from custody. ***Passed the Assembly (64-8-8), passed the Senate (31-8-1). Enrolled to the Governor 9/5.***

***🗹 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”). An adult offender between the ages of 21-24 may be offered participation in the juvenile hall program only upon the recommendation of the multi-disciplinary team that oversees local pilot program. This six-county pilot program was established 2016, allowing pilot 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. Juveniles must be sight/sound separated from adults in the juvenile hall. 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 these sites. Non-fiscal bill. ***Signed into law, Stats. of 2019, Chapter 129.***

***🗹 AB 1394 (Daly, D. – Anaheim). Ban on fees charged for juvenile record sealing petitions.*** AB 1394 prohibits the court or the probation department from charging an applicant fee for filing a petition to seal a juvenile record under WIC Section 781. The bill also repeals WIC Section 903.3 which authorizes the court or the county to charge a petitioner age 26 or older for investigation costs related to the filing of a record sealing petition under Section 781.***Passed the Assembly (77-2-0), passed the Senate (37-3-0). Enrolled to the Governor 9/9.***

***🗹 AB 1423 (Wicks, D. – Oakland). Returns to juvenile court from adult criminal court.*** AB 1423 adds Section 707.5 to the Welfare and Institutions Code, establishing a new process for returning cases to juvenile court from adult criminal court. The returns come into play 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 the same discretionary court criteria for return to juvenile court apply where the juvenile defendant pleads guilty only to one or more non-707 (b) felonies and/or misdemeanors (usually as the result of a plea bargain), except that in these situations the return to juvenile court must also be “upon agreement and request of the parties”. ***Passed the Assembly (68-0-11), passed the Senate (38-0-2). Enrolled to the Governor 9/3.***

***🗹 AB 1454 (Jones-Sawyer, D. – L.A.). (Added in this edition). Youth Reinvestment Grant Program.*** This bill sets out the terms for a new round of Youth Reinvestment Grants. Last year’s budget provided $37 million for local grants supporting juvenile justice diversion programs operated by community-based agencies working in concert with local government “lead” agencies, with a $1 million set-aside for Indian Tribal diversion programs. First-round grants were awarded by the Board of State and Community Corrections (BSCC) to 30 local jurisdictions and two Indian Tribes submitting successful proposals. The FY 19/20 budget appropriates new state funds for the YRG Program including $5 million for local diversion program grants and $10 million for Indian Tribal diversion program grants. AB 1454 lays out revised terms for the local youth diversion grant program. The most notable change is that community-based agencies will be able to apply directly to BSCC for diversion program funds. Local government agencies continue to be eligible to apply directly for funds as well, subject to the current requirement that 90 percent of awarded funds must pass through to CBO partners. ***Passed the Assembly (79-0-9, passed the Senate (39-0-1). Enrolled to the Governor on 9/12.***

*🗹* ***AB 1537 (Cunningham, R. – San Luis Obispo). Prosecutor “Brady” access to sealed juvenile records.*** AB 1537 adds a process by which the prosecutor can access a sealed juvenile record in order to meet a statutory or constitutional obligation to disclosure exculpatory information to the defense in a pending criminal case. “Brady” refers to the US Supreme Court ruling that requires disclosure of exculpatory evidence to the defense by prosecutors. As introduced, the bill provided that an adult criminal court could rule on the prosecution’s Brady request to access a sealed juvenile record. As finally amended, the determination on Brady access by the prosecutor will be made only by the juvenile court, not the adult criminal court. Protective language remains in place, including that the prosecutor must specify a rationale for requesting the Brady information; that the person with the sealed record must be notified of the request to access the record and afforded an opportunity to respond; that the court must identify the portions of the sealed record subject to access; and that a disclosure order of the court must include appropriate limits on the use of the sealed record to protect the confidentiality of the person having the sealed record. Amendments have conformed this new process across four affected record-sealing code sections: WIC Section 786 (“auto-sealing”); WIC 781 (sealing by petition); WIC 793 (sealing related to deferred entry of judgment); and Penal Code Section 851.7 (sealing of misdemeanor records). ***Signed into law by the Governor on July 1, Stats. of 2019, Chapter 50.***

***🗹 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 allocated an average of $9.2 million per year in competitive grants awarded by the Board of State and Community Corrections (BSCC) to cities and CBOs providing a range of youth violence prevention and crime reduction services. AB 1603 restates CalVIP objectives to include 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 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 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. Requires BSCC to establish a grant selection advisory committee of listed representatives. The FY 19-20 state budget allocates $30 million to the CalVIP program. ***Passed the Assembly (79-0-0), passed the Senate (40-0-0). Enrolled to the Governor on 9/11.***

***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 become eligible for a youth offender parole hearing leading to possible sentence reduction or release based on criteria in the reform bills. Penal Code Sec. 3051 makes certain offenders ineligible for parole relief based on the severity and timing of the commitment offense. AB 1641 would 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, not moved by the author, failed policy committee deadline.***

**Senate bills**

***SB 144 (Mitchell, D. – L.A and Hertzberg, D. – Van Nuys). Elimination of criminal justice and related fees.*** This massive (94 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, vehicle code violations 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 juvenile justice services and sanctions. May amendments to SB 144 eliminated many of the proposed fee cuts but most remain intact in the current version of the bill. Those interested in a detailed view of the administrative costs curtailed by SB 144 are advised to review the extensive text of the bill itself.***Passed the Senate (26-8-4); in the Assembly Public Safety Committee. Two-year bill.***

***SB 145 (Wiener, D. – S.F.). Relief from sex offender registration for certain offenses involving minors.*** As amended in May, SB 145 would exempt a person from the Penal Code Sec. 290 sex offender registration requirement if the person was less than 10 years older than a minor on whom a listed sex offense was committed. The exempt-eligible offenses involving minors are PC 276 (c) sodomy, PC 287 (b) oral copulation and PC 289 (h) and (i) penetration with a foreign object. The registration requirement is avoided if the defendant is not more than 10 years older than the minor and if the listed, exempted offense is the only offense for which registration would otherwise be required. The court remains authorized to impose registration in cases covered by PC Section 290.006 (catch-all for sex offenses not listed in Section 290). ***Passed the Senate (25-3-10); held in Assembly Appropriations Committee, two year bill.***

***🗹 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). Applies to commitments made after 1/1/20. 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 and those with lower-level offenses that qualify for admission to DJJ, and to encourage retention of custody and supervision in local settings. ***Passed the Senate (30-8-0); passed the Assembly (50-23-6). Enrolled to the Governor 9/10.***

***🗹 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, beginning July 2020, extend theses protections to include pupils to charter schools. Beginning in July 2020, the bill adds protection against suspension for willful defiance or disruption to pupils in grades 4-5 (including charter schools). It would also ban suspension of any pupil in grades 6-8 including charter schools for these reasons from July of 2020 through July of 2024. The bill is similar to a bill carried by Senator Skinner last year that was vetoed by Governor Brown (SB 607). ***Signed into law, Stats. of 2019, Chapter 279.***

***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 selected by the Department. The mission of the pilot program is to advance a comprehensive public heath 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 implementation. 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***. Held in the Senate Appropriations Committee, two year bill.***

***🗹 SB 485 (Beall, D. – San Jose). Elimination of driving privilege restrictions for listed offenses.*** Under current law the Court, or the Dept. of Motor Vehicles (DMV) upon the court’s order, 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 or the court from suspending or delaying a driver’s license based on conviction of listed criminal offenses including vandalism, certain alcohol and drug offenses and firearm use. As amended, the bill also eliminates the authority of the court to suspend a driving privilege for prostitution or lewd/lascivious conduct involving use of a vehicle within 1000 feet of a private residence. The bill if enacted will apply only to DMV or court license determinations made on or after January 1, 2020.***Passed the Assembly (52-24-3, passed the Senate on concurrence (29-10-1). Enrolled to the Governor on 9/12.***

***SB 555 (Mitchell, D. – L.A.). Contracts for communication and information services in jails and juvenile facilities***. SB 555 requires contracts for communication or information 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 communications or information service”. Covered communication and information services are broadly defined and include 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 new restrictions on how sheriffs may spend or use assets in an “incarcerated peoples’ welfare fund” (no longer to be called the inmate welfare fund). As amended, the bill if enacted would apply only to contracts entered into or renewed after January 1, 2020***. Passed the Senate (31-5-2); held in the Assembly Appropriations Committee, two year bill.***

***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 satisfactory completion of the program as determined by the court, the charges must be dismissed. Grant funds (not yet appropriated) would be administered by the Board of State and Community Corrections.  ***Held in the Senate Appropriations Committee, two year bill.***

***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. ***Hearings in the Senate Public Safety Committee cancelled by the author, not moved, failed policy committee deadline.***

***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. ***Not moved, failed policy committee deadline.***

***🗹 SB 716 (Mitchell). Access of detained juveniles to post-secondary academic and technical education programs****.* SB 716 is intended to improve the access of detained juveniles to post-secondary academic and career technical programs. The bill requires probation departments and the Division of Juvenile Facilities to ensure that certain youth in their facilities—those who have a high school diploma or equivalency certificate—have access to post-secondary academic and technical programs and courses that are “offered online”. Previously the bill required these programs to be offered directly within the juvenile facility. Instead, the bill now “encourages” probation departments and DJF to develop local partnerships with post-secondary, public campuses to provide instruction on campus and onsite within the juvenile facility. The requirement that probation departments or DJF must collaborate with higher education institutions to ensure access to post-secondary education has been taken out of the bill. The bill’s provisions remain applicable to juvenile halls, probation camps and ranches; however, an August amendment dilutes the application to the new Department of Youth and Community Restoration (successor to DJJ) by stating that access to the on-line education programs will be provided “to the extent feasible using available resources”. 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 (40-0-0), passed the Assembly (79-0-0). Enrolled to the Governor on 9/11.***

***🗹 SB 94 – REORGANIZATION OF THE DIVISION OF JUVENILE JUSTICE***

In a plan advanced by Governor Newsom, the state Division of Juvenile Justice (DJJ) has been reorganized, shifting it from the Department of Corrections and Rehabilitation (CDCR) to a newly formed Department of Youth and Community Restoration within the Health and Human Services Agency. The move is a key step in Governor Newsom’s announced plan to reform the state’s juvenile justice system with a greater focus on treatment and rehabilitation. Advocates pressed the Governor for a more aggressive reforms this year, including new disincentives to state commitment and the expansion of community-based diversion and treatment programs. But the change moved by the Administration is more aptly described as the “bare minimum” needed to shift the youth corrections operation from one state agency to another. Here are the details as included in SB 94:

* Effective July 1, 2020 the state Division of Juvenile Justice is removed from CDCR and its operations, facilities and staff are transferred into a new Department of Youth and Community Restoration within the Health and Human Services Agency.
* None of the current statutes or regulations governing DJJ basic operations, commitment laws, facilities or programs are changed—they are simply reactivated “as is” under the authority of the new HHS Department. Code references to the DJJ are automatically re-directed to refer instead to the new HHS Department. As stated in SB 94, the new HHS department *“…succeeds to, and is vested with, all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of the Division of Juvenile Justice”* which ceases to exist on 7/1/20.
* SB 94 authorizes the Governor to appoint a director and chief deputy director of the new Department of Youth and Community Restoration, to serve at the pleasure of the Governor. No criteria or qualifications for these posts are included in SB 94.
* The Board of Juvenile Hearings (BJH) that determines length of confinement and release dates for state-committed wards is moved into HHS under the new Department, with no other changes in the statutes or regulations that govern its operations.
* By October 2019, the state Secretary of HHS must appoint a committee of the state Child Welfare Council “*to provide input and recommendations related to the Department of Youth and Community Restoration’s policies and programs that promote a commitment to improving youth outcomes, reducing youth detention, and reducing recidivism.”*  Members are to include persons experienced in trauma-informed care, youth justice advocates, youth and families with justice system experience and county probation department representatives. Their recommendations are to be included in reports to the budget committees of the legislature until 2025
* There is no language in SB 94 outlining the goals and principles on which the new Department is founded. For “intent” language, you need to look at the Governor’s Budget Summary where his Department of Finance characterizes the move as one that “*better aligns California’s approach with its rehabilitative mission and core values—providing trauma-informed and developmentally appropriate services in order to support a youth’s return to their community, preventing them from entering the adult system and further enhancing public safety*.”
* The state budget includes some funding to effectuate the transfer. This includes $1.2 million in General Fund dollars to plan for the transition and to support an independent institute to train staff on best practices that will further the new Department’s “rehabilitative mission”

That’s about it—all in all a rather coolly-stated and narrowly-framed statutory plan and structure to replace DJJ with the new Department of Youth and Community Restoration next July.

*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)*.*