**COMMONWEAL**

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**JUVENILE JUSTICE** **AND**

**RELATED YOUTH PROGRAM BILLS**

**Active in the 2020 Session of the California Legislature**

**June 18, 2020**

* ***Legislature will hear slate of bills pruned by COVID-19 limits— with a shorter summer recess and unresolved budget issues***
* ***Gov’s DJJ realignment proposal stirs controversy over county funding plan and other details (summary on page 14)***

On June 15th, the Legislature sent a budget bill to the Governor that nobody really liked. It was essentially a placeholder budget to meet the constitutional deadline. Legislators rejected deep program cuts sought by the Governor. They plan to delay final budget decisions until more is known about tax revenues, federal aid and the pace of pandemic recovery. This means that the budget debate will be continuing and intense through the summer months. Beyond the budget, the Legislature is setting hearing dates for bills that are still moving through a fractured session now electrified by protests over police misconduct and demands for racial justice.

This report updates our coverage of tracked bills on the subjects of juvenile justice, youth crime and violence prevention, probation foster care and related subjects. This report is divided into two sections. The first section provides updates on tracked bills that are still active in the current session. The second, much-longer section lists bills that were introduced but have been dropped or deferred due to COVID-19 restrictions imposed by legislative committees. It is fair to anticipate that many of these bills will be reintroduced in 2021.

The Governor’s proposed closure and realignment of the Division of Juvenile Justice (DJJ) is being addressed through the budget process. A status report on that proposal is included starting on page 14 of this report.

The Legislative calendars for each house have been modified in response to the delays and limits induced by the pandemic. The Assembly will recess on June 19th until July 13th. The Senate will take a shorter summer recess, from July 2nd to July 13th. The last day for bills to pass the house of origin is June 19th in the Assembly and June 26th in the Senate. The last day for policy committees to meet and report fiscal bills is July 31st for both houses. The Legislature then has until the scheduled adjournment date of August 31st to act on all bills.

The full text of bills 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 issues affecting a range of youth justice subjects is available on the Commonweal Juvenile Justice Program website-- [www.comjj.org](http://www.comjj.org).

**SECTION I: Bills still active in the 2020 session**

**Assembly bills**

***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.*** This is a two-year bill held over from the 2019 session, pending now in the Senate Education Committee. AB 901 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. 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 full understanding of its many provisions. ***AB 901 passed the Assembly in an earlier version (42-27-11). The bill is pending hearing in the Sente Education Committee, sometime in July. The author has indicated that he intends to pursue the bill; it faces a July 31 deadline for moving to Senate Appropriations Committee.***

***AB 1950 (Kamlager, D.- L.A.) One-year limit on adult probation for misdemeanor offenses***. Amends Penal Code Sections 1203a to impose a one-year maximum on the length of a probation term ordered by the court for a misdemeanor offense, unless a longer probation term is provided for in the offense statute on which the plea or conviction is based. In addition, AB 1950 also amends Penal Code Section 1203.1, limiting a suspended sentence imposed under a probation order to a maximum of two years. Does not apply to juvenile court orders of probation, but the bill is of interest in relation to other bills and proposals that would limit time-on-probation for juveniles. ***Passed the Assembly (48-22-9), in the Senate for committee assignment.***

***AB 1979 (Friedman, D. - Glendale). Transitional independent living and transitional housing programs for foster youth. June 4 amendment.*** This bill expands the scope of transitional independent living programs to include “settings” approved by the county welfare department that serve the needs of youth who are entering or re-entering foster care or are transitioning between placements (excluding runaway and homeless shelters). The bill also expands the current requirement that county placing agencies conduct regular evaluations of the county’s placement resources and programs. This bill requires the evaluation to address the county’s ability to meet the emergency housing needs of nonminor dependents who are entering or re-entering foster care or transitioning between placements. As amended in June, the bill includes a COVID-related provision authorizing a county to inspect an independent living placement to ensure that it meets health and safety standards using alternative means, such as videoconferencing, For transitional housing programs, the bill adds new provisions covering a nonminor dependent’s noticed absence from the program (up to 14 days) by prohibiting a transitional housing provider from filling the absentee’s slot and by providing that payments for housing shall not be discontinued during the absence. ***Passed the Assembly (77-0-2), to the Senate for committee assignment.***

***AB 1994 (Holden, D. – Pasadena). Medi-Cal eligibility, confined juveniles.***  This bill provides that when a juvenile is an inmate of a public institution, the county welfare department shall, in accordance with federal and state law, suspend Medi-Cal benefits but may not terminate the juvenile’s eligibility for Medi-Cal. Prior to the juvenile’s release, the county welfare department must make a re-determination of the juvenile’s eligibility for Medi-Cal benefits, without requiring a new application by the juvenile. If the determination is that the juvenile is eligible, benefits must be restored upon release of the juvenile from the institution. The bill modifies suspension end dates to be the date of release from the institution or three years from becoming an inmate, whichever is sooner. The bill also defines who is a “juvenile” for purposes of suspension or restoration of Medi-Cal benefits, specifying that “juvenile” includes persons under 21 years of age as well as those under age 26 or former foster youth who meet federally defined criteria. ***Passed the Assembly (77-0-2), to the Senate for committee assignment.***

***AB 2321 (Jones-Sawyer, D.- L.A.). Access to sealed juvenile records.*** AB 2321 would amend WIC Sections 781, 786 and 786.5 to make certain sealed juvenile records available for the purpose of processing a crime victim’s request for certification of “helpfulness”. The certification provides immigrants who are victims of crime with help when they seek visa protection from deportation or other facets of immigration enforcement. As amended, the bill provides that the sealed juvenile record may be accessed for this purpose only by a judge or a prosecutor, with the additional requirement that the information accessed in the sealed record cannot be disseminated to other agencies or individuals except as necessary to certify victim helpfulness on the appropriate, statutory forms. This new sealing exception would apply to WIC Section 786 (court-sealed records upon satisfactory completion of probation); to WIC 786.5 (probation and diversion program records) and to WIC Section 781 (sealing by petition of WIC 707(b) offenses committed by a person over the age of 14). ***Passed the Assembly (76-0-3), to the Senate for committee assignment.***

***AB 2425 (Stone, D.- Santa Cruz). Sealing of arrest records for juveniles in diversion programs; confidentiality and sealing of juvenile police records.*** As amended, AB 2425 imposes new nondisclosure and record sealing requirements on law enforcement agencies having records related to the arrest and processing of juveniles. Section 786.5 of the Welfare and Institutions Code is amended to require a law enforcement agency to seal an arrest record related to the juvenile’s participation in a diversion or supervision program to which the juvenile was referred in lieu of the filing of a petition. Presently, WIC 786.5 requires only probation departments and diversion agencies to seal the juvenile record upon the juvenile’s satisfactory completion of the diversion program. Under AB 2425, a law enforcement agency must seal the arrest record within 60 days of being notified by the probation department that the juvenile has satisfactorily completed the diversion program. In addition, AB 2425 adds a new Section WIC 827.95 prohibiting each law enforcement agency in the state from releasing a juvenile police record involving a juvenile who has been counseled and released (without further processing), who has satisfactorily completed a diversion program or who has aged out of juvenile justice jurisdiction. For juveniles fitting those descriptions, the bill further requires the law enforcement agency to seal the juvenile police record within time limits that are specified in the bill. Definitions of “juvenile police record”, “diversion” and other terms are included in the bill. AB 2425 provisions on juvenile police records are modeled on an existing statute (WIC Section 827.9) that bans disclosures of certain juvenile police records in Los Angeles County; AB 2425 expands the basic terms of Section 827.9 to statewide application, adding new mandates on sealing and making other changes, while also leaving Section 827.9 (pertaining only to LA County) intact. ***Passed the Assembly (56-16-8), to the Senate for committee assignment.***

***AB 2483 (Bauer-Kahan, D.- Orinda). Data collection on local jail anti-recidivism programs.***

This bill requires each county sheriff to compile and submit data to the California Board of State and Community Corrections (BSCC) on anti-recidivism programs in county jail facilities, including success rates in reducing recidivism in each such program. The sheriffs’ data must be submitted to BSCC by January 1, 2023 and BSCC is mandated to submit a report on to the Legislature by July 1, 2023 based on findings on the data submitted. Not applicable to juvenile facilities but of interest as a model for future juvenile facility data collection. ***Passed the Assembly (70-0-9), to the Senate for committee assignment.***

**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. Amendments to SB 144 have 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. The author has indicated her intent to pursue this bill in the remainder of the 2020 session. The bill has a deadline of July 31st for moving policy bills in the second house to Appropriations Committee.***

***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). ***Passed the Senate (31-5-2); held 2019 in the Assembly Appropriations Committee, two-year bill. The author has indicated her intent to pursue this bill in 2020; the bill has a deadline of August 14th to pass Appropriations.***

***SB 912 (Beall, D. – San Jose). Nonminor dependents, extensions of jurisdiction and benefits during states of emergency declared by the Governor.*** SB 912 was introduced as a bill to raise nonminor dependent eligibility for foster care and related benefits from age 21 to age 25. As introduced, the bill also extended the delinquency jurisdiction of the juvenile court to age 25. In response to COVID-19, the bill was vastly revised in May. The provisions raising the age for foster care benefits and delinquency jurisdiction were deleted. As now amended, the bill prohibits terminating a nonminor dependent’s benefits at age 21 where the Governor has proclaimed a state of emergency, in which case the benefit period is extended to at least six months after the end of the emergency period. The bill also extends the court’s nonminor dependency jurisdiction to at least six months following a state of emergency declared by the Governor. It also provides that during the period of emergency, nonminor jurisdiction will automatically change from delinquency to transition jurisdiction for those reaching age 21. The bill makes other changes to ensure that nonminor dependents reaching the age-based end of the benefit period are not stranded without supports during a crisis like the current COVID-19 pandemic. ***On suspense in the Senate Appropriations Committee for hearing on June 18th.***

***SB 1111 (Durazo, D. – L.A.). Detention of persons over age 18 in juvenile facilities****.* SB 1111 is a major revision of current law governing the place of confinement for individuals subject to juvenile or adult court proceedings beyond age 18. SB 1111 deletes current WIC Section 208.5 which presently allows for the transfer of detained juveniles at age 18 or 19 to the custody of the county sheriff, while also permitting detention of persons between the ages of 18 - 21 to continue in a juvenile facility under stated conditions. Under current law, a person turning 18 may stay in the juvenile facility until age 19 without separation from those under age18, and upon reaching age 19 the person may continue to stay in the juvenile facility until age 21 with the approval of the Juvenile Court and if the facility is also approved by the Board of State and Community Corrections as suitable for a mixed-age population. SB 1111 deletes current detention scheme in WIC Section 208.5 and replaces it with a new and simpler setup. The new Section 208.5 would require that any person whose case originates in juvenile court, if detained, shall remain in the juvenile facility until age 21 and can only be moved to an adult facility with the approval of the Juvenile Court. The trigger in current law that allows transfers to juveniles reaching age 18 or 19 to county jail is removed, as is the BSCC approval process for mixed-age facilities. Under SB 1111, a transfer of a person over age 18 from a juvenile to an adult facility can only occur if the probation department petitions the Juvenile Court for transfer. At that point, the Juvenile Court must hold a hearing in which it applies welfare and safety criteria listed in the bill to rule on the facility transfer request. For those whose cases are transferred from juvenile court to adult court jurisdiction, the same rules would apply in order to move the person to an adult facility, and the juvenile facility will remain the presumptive place of detention to age 21 for those who are transferred to adult court. SB 1111 also retains the current provision of WIC 707.01 that upon transfer of a case to the jurisdiction of the criminal court, the person is entitled to release on bail or own recognizance in the same manner as adults. ***On suspense in the Senate Appropriations Committee, set for hearing on June 18th.***

***SB 1126 (Jones, R. – Santee). Access to sealed juvenile offense records for competency determinations.*** SB 1126 modifies Welfare and Institutions Code Section 786 which currently establishes a process for the “auto-sealing” of juvenile offense records by the Juvenile Court upon a juvenile’s satisfactory completion of a term of probation. This bill would add a further exception to the statutory list of circumstances under which a WIC 786 sealed record can be accessed or utilized for specific purposes. The bill provides that where a new petition is filed against a minor having a WIC 786 sealed record and the issue of competency is raised in the new proceeding, the parties to the proceeding (including prosecution, defense, probation, courts) may access, inspect or use information in the sealed record pertaining to prior competency evaluations and other competency-related information including school records and test results. The information may be accessed only for the purposes of evaluating the minor’s competency and providing remedial services and shall not be used to support the imposition of sanctions or penalties on the minor. ***Passed the Senate (39-0-1), to the Assembly for committee assignment.***

***SB 1290 (Durazo, D. - L.A., and Mitchell, D.- L.A.). Vacating older assessments and orders to pay county juvenile justice fees***. In 2017, California eliminated many court and county fees imposed on juveniles or their parents or guardians for the processing, detention, supervision or attorney representation in the juvenile justice system (Senate Bill 190) This bill would vacate lingering orders or assessments that were made prior to the 2018 effective date SB 190, as consistent with the changes made by SB 190**.  *Passed the Senate (32-2-6); to the Assembly for committee assignment.***

**SECTION II: Bills dropped in the 2020 session**

***In this section we list bills that have were included in previous tracking reports but have since been dropped, missed committee deadlines or otherwise have become inactive due to COVID-19 restrictions on bill activity in the 2020 session. While these bills are dead in the current session, we include them so that readers can document their status, and in anticipation that many may be introduced again in 2021. The list also provides insight into how extensively the pandemic has curtailed the legislative process.***

***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). In the Senate Appropriations Committee, two-year bill. This bill is technically still alive; however, the author has informed us that due to COVID-restrictions on bills he does not plan to move the bill further this year.***

***AB 1954 (Cooley, D. – Rancho Cordova, Gipson, D.- L.A. and Lackey, R. - Palmdale). Sibling foster care placements.***  Current law sets out priorities to promote or ensure that siblings ordered into foster care are placed with the same resource family, residential facility or other provider. As amended, this bill says that where the addition of a sibling would exceed the licensed capacity of the home (generally six beds for resource families), the “size and space of the placement home” shall not serve as a reason to block the additional sibling placement based on a determination that it would be contrary to safety or welfare of children in that home. Requires the Dept. of Social Services to adopt complying regulations. The bill also expands the code definition of “relative placements” and makes additional changes to the hearing process for relative placements. ***Referred to the Assembly Committees on Human Services and Judiciary. Not moved, dead.***

***AB 1996 (Gipson, D. – L.A.). Transition age youth—DSS report on older foster youth, extended independent living benefits beyond age 21.***  States the intent of the Legislature to collect additional information on the experience of older and homeless minors in being able to access foster care and transition to independence. Requires the state Department of Social Services to provide information to the Legislature during the FY 2021-22 budget on hotline calls made by foster youth. The DSS report must also describe how county are collected, or might better be collected, on failed adoptions or guardianships resulting in extended foster care. In addition, the bill provides that a minor who lacks housing under a transitional independent living case plan after the maximum benefit period shall be entitled to an extension of benefits beyond age 21 for the period in which approved housing remains unavailable. ***To the Assembly Human Services Committee.******Not moved, dead.***

***AB 2005 (Levine, D.- Marin County). Transitional independent living programs involving nonminor dependents with disabilities.*** This bill provides that a nonminor dependent shall not be deprived of transitional independent living benefits in situations where the nonminor dependent is unable to participate in the development of the transitional independent living case plan due to disability, incompetence or a medical condition.Instead requires the social worker, probation officer or tribal entity charged with helping the nonminor dependent to produce the plan in consultation with the nonminor dependent’s counsel, conservator, caregiver and other persons identified as important in the nonminor’s life. ***To the Assembly Human Services Committee. Not moved, dead.***

***AB 2035 (Rubio, D. – Baldwin Park). Foster care sexual health education and training.*** This bill adds new requirements for social workers and courts to monitor and confirm that children in foster are receiving mandated sexual and reproductive health education. In these cases, the bill requires the social worker preparing reports for foster care review hearings to verify that the foster youth has received sexual health education as provided in the Education Code for junior, middle or high school students or to indicate how the county will ensure that the sex education is provided prior to the termination of juvenile court jurisdiction. Requires the report to verify that the social worker has informed foster youth over 10 years of age about the right to access to sexual and reproductive health information and services including pregnancy prevention. Requires the juvenile court in review hearings to determine that the social worker has met these sexual education reporting obligations. The bill also requires the state Department of Social Services to compile and report annual performance data on implementation of sexual and reproductive health training and education for foster youth. ***To the Assembly Human Services Committee. Not moved, dead.***

***AB 2051 (Reyes, D.- Grand Terrace). Foster care sibling relationships***. Current law includes statutory provisions to encourage and maintain relationships between a foster child (age 10 or older, in placement for at least six months) and children “other than the child’s siblings who are important to the child.” AB 2051 adds a new statutory definition for “foster care sibling relationship” at WIC 16002.7 as follows: “foster sibling relationship” means “a relationship between dependent or nonminor dependent children who are placed together in foster care and develop a sibling-like bond, despite having no relationship through blood, adoption, or affinity. It is the intent of the Legislature to maintain a foster sibling relationship for dependent and nonminor dependent children in out-of-home placement when they are no longer placed together.” ***Held in the Assembly Appropriations Committee. Not moved, dead.***

***AB 2065 (Lackey, R. – Palmdale). Revenge porn crime***. This bill creates a new felony crime for distributing an image of another person’s intimate body parts (as defined) or of another person engaged in a listed sex act, where there has been agreement that the image shall remain private and where the person distributing the image knows or should know that distribution will cause, and the distribution does cause, serious emotional distress. Requires persons convicted of the new offense to register as sex offenders. ***To the Assembly Public Safety Committee. Not moved, dead.***

***AB 2125 (Rivas, D.- Hollister). Cal Grant awards—detained juveniles***. Under the Cal Grant student aid program, “incarcerated persons” are ineligible for Cal Grants. This bill states that a person who is committed to or detained in a juvenile facility—including county juvenile halls, camps and ranches and the state Division of Juvenile Justice – is not to be considered “incarcerated” for purposes of disqualification from Cal Grants. ***To the Assembly Higher Education Committee. Not moved, dead.***

***AB 2153 (Rubio, D. – Baldwin Park). Expanded investigations following reports of child abuse in foster care.*** AB 2153 sets out an expanded process for investigating reports of child abuse in foster care facilities including resource families, foster family homes, relative caregiver homes and licensed residential care facilities including Short Term Residential Therapeutic Programs. This bill adds Section 1538.1 to the Health and Safety Code, requiring that upon receipt of a report of child abuse, the agency with placement or enforcement jurisdiction must conduct an investigation that includes live interviews with the alleged child-victim, facility staff and other listed parties. The investigation must also include a review of past complaints and caseworker reports. The investigating agency must send a copy of its report to the Office of State Foster Care Ombudsperson. During investigations, no other child may be placed in the facility under investigation. The bill makes additional changes to child abuse reporting requirements and agency responses affecting children in foster care. ***To Assembly Human Services Committee. Not moved, dead.***

***AB 2170 (Rubio, D. – Baldwin Park). Medi-Cal benefits for confined juveniles***. AB 2170 modifies WIC Sec. 14011.10 provisions on suspension and restoration of Medi-Cal benefits for confined juveniles. The bill provides that when a juvenile is detained in a juvenile detention center or becomes an inmate of a public facility, the county welfare department shall redetermine the juvenile’s eligibility for Medi-Cal benefits before the juvenile’s release from the facility and without requiring a new application from the juvenile. Where the county welfare department determines that the juvenile is eligible upon release for Medi-Cal, the bill requires that Medi-Cal eligibility to be restored immediately upon release.  ***To the Assembly Health Committee. Not moved, dead.***

***AB 2200 (Kalra, D. - San Jose). New state prohibition against racial bias in criminal proceedings including juvenile justice commitments; prosecution disclosures, court remedies for violations.*** As reconfigured, AB 2200 cites legislative intent to remove racial bias from the justice system on a broad scale. The bill adds an expansive new Section 745 to the Penal Code, leading with the mandate that *“The state shall not seek or obtain a criminal conviction or sentence on the basis of race, ethnicity, or national origin.”* AB 2200 defines multiple violations of this proscription, including whether a judge, lawyer, police officer, witness or jury acted with racial bias in a proceeding (including the use of racially discriminatory language); whether prosecutors sought more convictions for certain racial groups than others; and whether longer sentences were imposed on certain racial groups. Where such bias can be shown by a preponderance of evidence, courts must suspend current proceedings or vacate convictions, remanding them for new proceedings. A process is established for defendants to challenge prosecutions or convictions based on racial bias, including petitions that may be filed in trial courts or habeas writs filed in appellate courts. The bill requires prosecutors to disclose on request all evidence of potential violations of the race discrimination ban. There is a global provision that the racial bias ban and the remedies for violations in Section 745 shall apply to “commitments in the juvenile justice system”. ***To the Assembly Public Safety Committee. Not moved, dead.***

***AB 2205 (Jones-Sawyer, D. – L.A.). Adding members to the Board of State and Community Corrections*.** The Board of State and Community Corrections has multiple functions including the administration of state justice system grants and the promulgation of local detention facility standards. The current 13-member Board is comprised of justice system representatives from law enforcement, probation, courts, corrections, counties and community groups, appointed by the Governor (10), the Legislature (2) and the Courts (1). AB 2205 would add a “rank-and-file probation officer or deputy probation officer who is actively serving as the president of a county probation association”, and a “public member who has a record of a felony conviction”, to be appointed by the Governor. ***To Assembly Public Safety Committee. Not moved, dead.***

***AB 2335 (Rivas, D.- Hollister). Student Success Act of 2012—students with juvenile justice histories*.** The Student Success Act of 2012 includes a Student Success and Support Program to assist certain categories of students in California community colleges with matriculation and other support needs. This bill adds “students who are currently or were formally in the juvenile justice system” to the list of special circumstance students at Education Code Sec. 78220 who must be monitored by community colleges for purposes of the campus student equity plan. ***To the Assembly Higher Education Committee. Not moved, dead.***

***AB 2469 (Reyes, D.-Grand Terrace). Nonminor dependents: county multidisciplinary teams, county and state reports.*** This bill requires each county to form a multidisciplinary team to serve nonminor dependents, in collaboration with the Department of Housing and Community Development and with a broad list of county and child serving agencies. Each county must also submit an annual report to the Dept. of Social Services describing the housing and educational status of each nonminor dependent under county jurisdiction and including information on homelessness and other factors listed in the bill. DSS is mandated to produce recommendations in annual reports to the Legislature to assist nonminor dependents based on the information reported by counties; DSS must also provide related information in conferences and contacts with listed child-serving agencies and organizations. professional groups. The Department must also collaborate with the California Youth Connection, former foster youth and others to form a working group by January 2022 to improve system responses for nonminor dependents. ***To the Assembly Human Services Committee. Not moved, dead.***

***AB 2543 (Jones-Sawyer, D.- L.A.) Juvenile Justice Crime Prevention Act.***  Spot bill making non-substantive changes to Government Code Section 30061 containing the Juvenile Justice Crime Prevention Act (JJCPA) grant program. ***Not moved, dead.***

***AB 2713 (Jones-Sawyer, D.- L.A.) Sex Offender Management Board, added members.*** The Sex Offender Management Board (SOMB) in CDCR performs multiple functions related to the assessment and management of sex offenders in state and local programs and facilities. The Board presently consists of 17 members representing state and local corrections, health and mental health, courts, local government and related subject-matter experts. This bill would add two new members including: the Director of the new Department of Youth and Community Restoration or the director’s designee having “expertise in the treatment and supervision of juveniles who have offended sexually”, and a licensed mental health professional with experience in treating and evaluating juvenile sex offenders, the latter to be appointed by the Speaker of the Assembly. ***To the Assembly Public Safety Committee. Not moved, dead.***

***AB 2804 (McCarty, D.- Sacramento). Repurposing juvenile detention centers***. States the intent of the Legislature to “explore the reuse and repurposing of juvenile detention centers that have closed or that have a 70 percent or higher vacancy rate”. ***Not moved, dead.***

***AB 2814 (Chen, R. – Yorba Linda). Spot bill on Board of State and Community Corrections.*** Spot bill proposing to amend Penal Code Sec.13820 which abolished the old state Office of Criminal Justice planning, replacing it with the Board of State and Community Corrections. ***Not moved, dead.***

***AB 2838 (Eggman, D. - Stockton). Child welfare and juvenile justice data system identifiers***. This bill adds the following language to Welfare and Institutions Code, at Section 241.2 (b): *On or before January 1, 2023, the California Health and Human Services Agency shall coordinate the efforts of the State Department of Social Services and the Department of Youth and Community Restoration to implement a common identifier for counties to use to reconcile data across child welfare and juvenile justice systems statewide.* ***To Assembly Judiciary Committee. Not moved, dead.***

***AB 2847 (Chiu, D. – S.F.). ~~Spot bill on DNA collection.~~*** Spot bill amending Penal Code Section 296 which presently provides for the collection of DNA swabs and fingerprints from any juvenile or adult who is convicted or adjudicated on a felony offense. ***Gut and amended into a firearms bill.***

***AB 2862 (Rubio, D. - Baldwin Park). Enhanced penalty for solicitation of prostitution involving a minor.*** This bill amends Penal Code Section 647 (b) which creates a misdemeanor penalty for solicitation of prostitution. Under current law, the penalty for solicitation is increased under subdivision (k) of Section 647 where the person solicited is a minor and the defendant “knew or should have known” that the person is a minor. This bill strikes the provision that the defendant “knew or should have known” that person being solicited was a minor. Moreover, the penalty for soliciting a minor under these revised criteria is further increased to a wobbler with the possibility being sentenced to 16 months in state prison. ***To the Assembly Public Safety Committee. Not moved, dead.***

***AB 2865 (Wicks, D.- Oakland). Modification of criteria for transfers of juveniles to adult criminal courts****.* AB 2865 adds to the criteria the juvenile court must apply when considering the prosecution’s motion to transfer jurisdiction of a minor who is charged with a serious offense listed in WIC Section 707 (b) to the adult criminal court. This bill adds the following language to WIC 707(b) (a) (3): *In order to find that the minor should be transferred to a court of criminal jurisdiction, the court shall find that the minor is not amenable to rehabilitation while under the jurisdiction of the juvenile court.* In effect the bill restores the “amenability” criterion that was perhaps inadvertently omitted when Proposition 57, adopted by state voters in 2016, rewrote Section 707 to eliminate the direct filing of juvenile cases by prosecutors in adult criminal courts. ***To the Assembly Committee on Public Safety. Not moved, dead.***

*A****B 2977 (Wicks, D. – Oakland). BSCC correctional officers training program to eliminate bias.***AB 2977 requires the Board of State and Community Corrections, in collaboration with the Commission on Peace Officers Standards and Training, to develop and implement a three-hour training course on the elimination of implicit individual and institutional bias in California justice and correctional agencies. The training program is to be administered to personnel including those at the state Department of Corrections and Rehabilitation, the state Department of Youth and Community Corrections and local sheriffs, peace and probation officers. The curriculum is to be developed by January 2022 by a BSCC Working Group consisting of experts from listed academic, corrections, offender and offender treatment sectors. The curriculum must address at least ten bias-related areas listed in the bill. Implementation must begin by January of 2024*.* ***To the Assembly Public Safety Committee. Not moved, dead.***

***AB 3038 (Stone, D. – Santa Cruz). Confidentiality of juvenile case files, prosecutor alerts to defense.*** This bill is new as a March 12 as a “gut & amend” of an unrelated measure. As now reconfigured. AB 3038 adds a clarifying provision to WIC Section 827, the “confidentiality” section of the juvenile court law. This bill modifies the subparagraph of Sec 827 banning the further dissemination of protected records by those who are authorized to receive them; the modification states that a prosecutor or city attorney is not barred from alerting defense counsel to of the need to file a Section 827 records disclosure request relating to “potentially discoverable evidence” in a juvenile case file. ***To the Assembly Public Safety Committee. Not moved, dead.***

***AB 3167 (Wicks, D. – Oakland). California Violence Prevention and Intervention Program.*** The CalVIP grant program provides funds to cities and community-based agencies for local violence prevention programs. Last year, Assembly Member Wicks authored AB 1603 which codified the grant program and its administration by the Board of State and Community Corrections. This bill adds a provision that limits the maximum grant amount to $1.5 million per year for grantees instead of $1.5 million per grant cycle. ***To the Assembly Public Safety Committee. Not moved, dead.***

***AB 3291 (McCarty, D. - Sacramento). Dependency review hearings, information on access to housing.*** AB 3291 adds a new item to the list of documents and information that must be provided by the social worker to the minor and be verified in court review hearings for minors and nonminor dependents. Under this bill, the social worker must verify that the minor or nonminor dependent has been provided with “written information notifying the child of federal, state and local programs available to assist the child with obtaining housing and a written fact sheet the child may offer to a prospective landlord that explains the child’s rights as a tenant”. ***To the Assembly Human Services Committee. Not moved, dead.***

***SB 889 (Skinner, D.- Berkeley). Raising the age of juvenile delinquency jurisdiction to include 18-19 year olds.*** This major reform bill would extend the jurisdiction of the juvenile court to include 18 and 19 year olds. Under current law, if you are 18 or older and charged with a crime you must be processed in the adult criminal system and, upon conviction, you may be sentenced to county jail or state prison depending on the offense. The bill would make the specialized programs, facilities and services of the juvenile justice system available to 18 and 19-year olds who presently cannot obtain those benefits in the adult system. SB 889 builds on recent California laws that have reduced or eliminated adult punishments for youth, drawing on principles of adolescent development increasingly adopted by courts and legislatures. Key sections of law modified by SB 889 include:

* **Original Jurisdiction**. WIC Section 602—California’s fundamental delinquency jurisdiction law—is amended to raise the upper age of juvenile court jurisdiction from 17 to 19.
* **Extended jurisdiction.** WIC Sec. 607 is amended to extend the court’s jurisdiction (once established) from a top age of 21 to a cap of age 24, though 25 remains the top age for WIC Sec.707 (b) wards who have been committed to DJJ.
* **Juvenile detention** **criteria** (WIC 628, 628.1) are changed to require the probation officer to base all initial detention decisions on the use of a risk assessment instrument, though the draft is ambivalent as to whether this requirement applies to 18 and 19 year olds. The terms of home supervision programs in lieu of detention are altered in various ways.
* **Non-ward probation programs**. The bill retains current options for placing youth, now to include 18-19 year olds, in a six month program of probation supervision in lieu of filing a petition (WIC 654) or in lieu of wardship (654.2), or on non-ward probation ordered by the court (WIC 725). Some but not all of these options must adhere to the new limits on probation orders codified in a new WIC Section 724.
* **Probation orders and conditions**. For adjudicated youth, probation orders must adhere to new criteria for conditions of probation. The bill adds WIC Sec. 724, requiring that all conditions of probation “shall be limited to those that are necessary for public safety, address the individual’s risk factors as determined by a research-based risk assessment and help facilitate successful completion of probation.” This language is also linked to some non-ward probation options.
* **Time limits on probation supervision.** The bill does not currently shorten the length of time that wards can be kept a term of court-ordered probation, even though limits on probation terms were included in SB 889 sponsor CPOC’s “Elevate Justice” platform, Another bill, SB 1134 (Beall)) would limit probation supervision to six months with an option for six months extension.
* **Court dispositions**. Dispositional options and orders available to the Juvenile Court, including Deferred Entry of Judgment (WIC Sec. 790), remain largely unchanged but will be available to 18 and 19 yar old adjudicated wards. However, an additional requirement imposed by SB 889 is that “for any youth adjudged a ward of the court, the court shall direct the probation department to develop an individualized treatment and rehabilitation plan that is family-centered, strength-based, and built around positive incentives and rewards.” The bill does not address court orders of private placements in residential care facilities governed by the age limits of foster care law.
* **Supplemental petitions.** Petitions to modify an existing dispositional order must indicate that “a response matrix was considered to determine the least restrictive option appropriate”
* **Transfer law and procedure** (on moving juvenile cases to adult criminal court) are not altered by SB 889. This means that youth age 18 and 19 whose cases start in juvenile court could be transferred to the jurisdiction of the adult criminal court only after meeting the offense-based criteria for transfer and after a transfer hearing in the juvenile court where multiple factors related to behavior and maturity must be taken into account**.**

***To the Senate Public Safety Committee. Not moved, dead.***

***SB 1013 (Monning, D. – Carmel). Adding members to the Board of State and Community Corrections.***The Board of State and Community Corrections performs multiple functions including the administration of state justice system grants and the promulgation of local detention facility standards. The current 13-member Board is comprised of justice system representatives from law enforcement, probation, courts, corrections, counties and community groups appointed by the Governor (10), the Legislature (2) and the Courts (1). SB 1013 would add two members who have “been previously convicted of a felony”, to be appointed by the Governor. The bill also adds two previously convicted felons to the California Workforce Development Board and one previously convicted felon to local workforce development boards.  ***To the Senate Public Safety Committee. Not moved, dead.***

***SB 1021 (Durazo, D. - L.A.). Detention in dependency cases, parental visitation.*** Under current law a juvenile who is the subject of dependency proceedings may be detained by order of the court in an appropriate non-secure home or shelter under circumstances defined in Welfare and Institutions Code Section 319. This bill provides that where a child is removed from the parental home and detained by order of the court, the court shall not restrict parental visitation any more than is necessary to ensure the child’s safety and well-being. The bill also adds language covering the terms of visitation including time, duration, whether the visit it to be supervised and other visitation conditions. ***To the Senate Judiciary Committee. Not moved, dead.***

***SB 1045 (Bradford, D. - Gardena). Sealing of arrest records after dismissal of conviction.* SB** 1045 amends Section 851.91 of the Penal Code which sets out the criteria for sealing of adult arrest records where there is no subsequent conviction on the offense. This bill adds dismissal of the charge after previous conviction to the list of non-conviction circumstances giving rise to eligibility to have the arrest record sealed. Other provisions in Section 851.91, not altered by the bill, exempt certain offenses from sealing and set out criteria for the court’s determination as to whether the record should be sealed. The bill does not cover juvenile arrest records.  ***To the Senate Public Safety Committee. Not moved, dead.***

***SB 1134 (Beall, D. – San Jose). Six-month limit on juvenile probation, other juvenile probation limits.*** As amended April 1, SB 1134 adds Section 602.05 to the Welfare and Institutions Code stating that when a minor is adjudged to be a ward of the court under Section 602 and placed on probation supervision in the community, the period of probation supervision shall not exceed six months. SB 1134 further provides that court may extend the probation period for another six months after a noticed hearing and upon “proof by clear and convincing evidence that it is in the ward’s best interest”. For any extension, the probation department must submit a report to the court detailing the basis for any request to extend. If the court grants the extension, it must state its reasons for extending in the minute order and must schedule a follow-up hearing to be held within six months. The bill also amends WIC Section 730 to further modify the terms of juvenile probation. Under this bill, any conditions of probation ordered by the court must be “individually tailored, developmentally appropriate and reasonable” and must be “fitting and proper to the end that justice may be done and the reformation and rehabilitation of the ward enhanced.” The bill also deletes broad language in Section 730 that presently allows the Juvenile Court to impose any and all reasonable conditions of probation deemed fitting and proper to serve the broad interests of justice and rehabilitation. ***To the Senate Public Safety Committee. Not moved, dead.***

***Commonweal Budget Report: DJJ REALIGNMENT (6/18/20)***

**THE GOVERNOR PROPOSES TO CLOSE THE STATE DIVISION OF JUVENILE JUSTICE (DJJ). THE ADMINISTRATION, LEGISLATURE AND STAKEHOLDERS CONTINUE TO DEBATE THE TERMS OF DJJ REALIGNMENT AS TO SPENDING, OVERSIGHT AND IMPACT ON TRANSFERS TO ADULT COURTS**

In his May Budget Revision, Governor Newsom surprised many by proposing to realign the state Division of Juvenile Justice (DJJ) to full county control. The Governor cancelled his former plan to shift DJJ into the Health and Human Services Agency (HHS), just weeks before that plan was set to take effect. He targeted January 1, 2021 as the date on which county commitments to DJJ would come to halt, leaving the current population of 770 youth (juvenile court commitments) to attrition out until eventual full closure of DJJ institutions.

His proposal included a block grant to counties, based on $125,000 per youth, to cover the county cost of managing the shifted caseload. He also proposed new regional “hubs”, funded through grants from the Board of State and Community Corrections (BSCC), to house and serve former DJJ youth with mental health and sex offender treatment needs. In support of full closure, the Governor said “closing state juvenile facilities and directing a portion of the state savings to county probation departments will enable youth to remain in their communities and stay close to their families to support rehabilitation” . He also cited vast empty space in county juvenile justice facilities to absorb the shifted population. A key factor in the Governor’s decision—though not stated in his announcement—is to reduce state costs to ease a massive budget deficit generated by the pandemic.

**Legislators responding to the May Revision** were faced with a short time window to get a realignment spending plan into the state budget by the constitutional deadline of June 15th. That time pressure has proven to be a big problem. The Administration and the state’s Probation Chiefs organization (CPOC) begin working feverishly on a cost plan for realignment. Meanwhile, advocates and many lawmakers were hesitant to embrace a hastily drafted realignment deal with counties. They viewed full DJJ realignment as too complex to bring together on a three or four-week timetable. As June 15th approached, the Governor and CPOC did come to terms on a $220 million per year realignment grant to counties, based on a per-youth/per-year cost of $250,000. But the other terms of realignment spending were less than clear. Legislative leaders balked at rushing to approve a spending plan that lacked guidelines, allocation details and accountability factors.

**Advocacy organizations**— including youth service, legal defense and racial justice groups— joined the fray with a series of DJJ realignment demands. In memos to the Governor and legislative budget committees, advocates laid out terms considered essential to support adequate county programs and facilities under realignment and to ensure compatibility with juvenile justice reforms implemented extensively in California over the last several years. Chief among the concerns advanced by advocates were these:

* *Safeguards against transfers to adult criminal courts*. Nearly all DJJ youth, by virtue of their offense and age, are eligible for transfer to adult criminal courts and state prisons. DJJ serves as a juvenile justice alternative to adult processing. If DJJ closes and credible county options are not in place, prosecutors and judges will send those under-served youth to the adult system in growing numbers. Advocates have identified a set of statutory safeguards designed to prevent this unwanted outcome—safeguards that are still under review in the DJJ realignment debate.
* *Oversight and accountability.* Advocates assert the need for adequate state oversight and accountability for county programs and for how DJJ realignment dollars are spent. Spending criteria are needed to define the uses of funds, the programs and facilities to be developed, caseload monitoring and accountability for expenditures. State oversight is needed to coordinate and guide effective county responses and to avoid a “justice by geography”, crazy-quilt result where each county applies a different approach to juvenile justice processing. Advocates also want the realignment plan to be aligned with new models for probation and community services in the juvenile justice system.

**So where does the DJJ realignment proposal stand now?** Lawmakers continue to work on budget trailer bills after the June 15th placeholder budget was sent to the Governor. In the short week until the Assembly breaks for summer recess (on June 19th), the Administration pressed hard to get realignment dollars locked into a budget trailer bill, fearing loss of county and probation support for DJJ closure if funds to keep local juvenile facilities and operations going are delayed. Lawmakers want spending accountability and guidelines for the $220 million county grant fund that’s been put on the table by the Governor, but those elements are missing from the package so far. Advocates want assurance that state funds will go to programs and facilities that will serve youth and not be drained off in other directions—and they demand safeguards to prevent transfers of former DJJ youth to adult courts and prisons.

In this charged budget environment, DJJ realignment is only one small piece of a gargantuan budget struggle involving hard sacrifices across health, education, justice, environment and other boundaries. Beyond COVID-19 and its economic fallout, there is growing pressure to address demands for police controls and racial justice. DJJ realignment may be a satellite concern in the big budget picture, but it is an important set of policy decisions for juvenile justice professionals and advocates, not to mention the youth who will be affected by closure. On the racial justice side, it does not escape notice that youth of color make up 90 percent of the DJJ population targeted for realignment. At present, there is no clear path to agreement between legislators and the Administration on the full terms of DJJ realignment. Though anything could happen in today’s uncertain Sacramento budget and policy environment, it’s looking more and more as if negotiations will continue over the next several weeks or months, with DJJ closure hanging in the balance if the parties cannot come to terms before the end of the legislative session on August 31st. ◼

**WHO’S IN DJJ? A CLOSER LOOK AT THE POPULATION PROPOSED**

**FOR REALIGNMENT TO COUNTIES**

* Juvenile court youth in DJJ institutions (March 2020): 776
* Offenses: serious/violent/sex offenses defined by statute
* Age: Average age 19—DJJ custody ends at age 23
* Race/ethnicity: White 8%, Black 30%, Hispanic 58%, Asian/Other 4%
* Committing county: Ten counties account for two thirds of commitments with Los Angeles topping the list
* Length of stay—averaged 28 months in 2019

*Source: Calif. Dept. of Corrections and Rehabilitation*