

COMMONWEAL
The Juvenile Justice Program

**JUVENILE JUSTICE AND
YOUTH VIOLENCE PREVENTION BILLS**

End of Session Report: Governor's signatures and vetoes of bills
passed in the 2010 Session of the California Legislature

October 2, 2010

Final status of juvenile justice bills in the 2010 session: Governor's signatures and vetoes

This bulletin confirms the Governor's signatures and vetoes on juvenile justice bills sent to him during the 2010 session of the California Legislature, which adjourned on August 31. The full text and status of any bill and all Governor's veto messages can be found on the California legislative website at www.leginfo.ca.gov.

Assembly bills

AB 12 (Beall, D. – San Jose and Bass, D. – L.A.). Extended foster care benefits to age 21. Changes California law to qualify for U.S. funds under the federal Fostering Connections to Success and Increasing Adoptions Act of 2008, which extends transitional living benefits to qualified youth between the ages of 18 and 21. Creates a new jurisdictional category in California for “nonminor dependents” who remain eligible to receive foster care and other transitional living benefits until age 21. Nonminor dependents are defined as children who are in or were in foster care upon attaining the age of 18, are under child welfare or probation supervision and have a transitional independent living case plan as defined in federal law. Nonminor dependents, to be eligible for benefits beyond age 18, must also be enrolled in school, in a vocational program or have a job based on federal criteria included in the bill. As amended, AB 12 includes provisions to assert dependency jurisdiction over qualifying WIC 601 (status offense) and 602 (delinquency) wards, thus making them nonminor dependents eligible for extended benefits past age 18. Revises the state kinship care program (Kin-Gap) to conform to federal requirements. Advances the effective start date for extended benefits to 2012 and phases-in benefits for 18-21 year olds, depending on age, over a three year period. This massive bill, more than 275 pages long when last amended on August 30, makes numerous other changes in law relating to benefits beyond age 18 for AFDC-FC, independent living, transitional housing, kinship care, adoption assistance and other programs. ***Signed into law, Chapter 559***

AB 114 (Carter, D- Rialto). Balanced and restorative justice programs. Reintroduction of the “BARJ” bill vetoed last year by the Governor, in substantially the same form as the vetoed version. Permits a county to adopt a restorative justice program to address the needs of minors, victims and the community. The programs would be implemented via a local restorative justice protocol involving the Juvenile Court, public defender, prosecution, law enforcement, service providers and clinicians. Permits referrals to a restorative justice program for minors on WIC 654.2 informal court supervision, minors with non-wardship probation under WIC 725, minors on deferred entry of judgment under WIC 790 and as a delinquency disposition option for the court under WIC 727. Specifies that no state General Fund money shall be used to implement these programs. ***VETOED. The Governor's veto message***

states that “California’s juvenile justice system is already rehabilitation-based” and that “juvenile courts may already create restorative justice programs. Consequently, this bill is unnecessary”.

AB 1758 (Ammiano, D.- S.F.). Wraparound services, removal of pilot designation. The foster care wraparound service program initiated in 1997, allows counties to redirect state foster care funds for emotionally disturbed youth (RCL 12-14) to in-home, community-based and non-residential services that are “wrapped around” traditional out-of-home placement. The program has been expanded under legislative amendments to more than 40 California counties. This bill removes the designation of the wraparound program as a “pilot” and makes it permanent. The bill also includes provisions to ensure continuation of Medi-Cal coverage for children in wraparound service programs. Also provides that if a county terminates its wraparound program, the county shall ensure that the service needs of children who were in the program continue to be met. **Signed into law, Chapter 561.**

AB 1900 (Skinner, D.- Berkeley). Use of shackles on incarcerated pregnant women. Prohibits shackling of pregnant women by wrists or ankles in a state or local correctional facility, during transportation and during labor, delivery or recovery from childbirth, unless deemed necessary for safety and security reasons. Requires that any restraint used in these situations be the “least restrictive possible” consistent with legitimate security needs. Specifically applies these conditions to females in local juvenile facilities. Requires the Corrections Standards Authority revise state and local facility standards to conform to this objective. **VETOED** on the basis that the development of standards on inmate transportation is beyond the scope and outside the mission of the Corrections Standards Authority.

AB 1933 (Brownley, D. – Santa Monica). Schools and continuity of education for foster children. Amends the Education Code (Sec. 48853.5) to provide that foster children, including probation placed (WIC 602) youth, may continue to attend school in the school or district in which they were initially placed until the jurisdiction of the Juvenile Court has terminated. If jurisdiction terminates, the bill also provides that the child may remain in the same school or district for the remainder of the academic year. **Signed into law, Chapter 563.**

AB 2017 (Hall, D. – L.A.). California Youth Leadership Fund. Creates a check-off donation on personal income tax returns, proceeds of which would go to a new state Youth Leadership Fund. Proceeds from the fund would be allocated to named organizations to support civic education and mock legislative programs. Specifies how funds raised through the check-off would be allocated among specific youth leadership projects including the YMCA Youth and Government Program, the California Youth Legislature and the African-American, Asian Pacific and Chicano Latino Youth Leadership Projects. **VETOED** because the Governor also vetoed SB 516 to which this bill was linked. In his veto message, the Governor counsels the authors of this bill and SB 516 (DeSaulnier) to find ways to involve youth in public policy development without creating new organizations.

AB 2129 (Bass- D., Los Angeles). Residentially based services. Extends performance deadlines for the state workgroup plan and for county agreements under the Residentially Based Services (group home alternative) legislation adopted in 2007 (AB 1453). Authorizes the state Department of Social Services to increase group home payments (above the statutory rate classification level) to residentially based service programs, based on savings achieved through shorter stays in out-of-home placement. Requires the Department to conduct an impact review of RBS programs to confirm that children are moving from full-time placement into lower levels of care in a timely manner. **Signed into law, Chapter 594.**

AB 2212 (Fuentes, D. – Los Angeles). Mental competency of minors in delinquency proceedings. Establishes a new code procedure on the competency of minors in delinquency (WIC 601 and 602) proceedings. Permits counsel or the court to express a doubt as to the minor’s competency at any point in the proceeding. Requires the proceedings to be suspended if the court then finds, upon substantial evidence, that there is doubt as to the minor’s competency. Defines incompetency as lacking the “sufficient present ability to consult with counsel and assist in preparing his or her defense with a reasonable degree of rational understanding, or lacks a rational as well as factual understanding of the nature of the charges or proceedings against him or her”. Upon court declaration of doubt and suspension of proceedings, a hearing must be held on the issue of the minor’s competency. After receiving the report of a qualified mental health expert, the court may declare the minor to be incompetent, in which case all proceedings remain suspended until the minor’s competency is restored or court jurisdiction terminates. During suspension, the court may order competency restoring services for the minor. Also during the suspension, the court may entertain and rule on various motions including dismissal, demurrer, change of placement and detention status. **Signed into law, Chapter 671.**

AB 2326 (Bass, D. – Los Angeles). Re-entry Advisory Committee. Under current law, a Re-entry Advisory Committee advises the Secretary of CDCR on all aspects of the Department’s re-entry programs, including those administered by the Division of Juvenile Facilities. AB 2326 expands the representation on the Advisory Committee by adding seven members including a chief probation officer and representatives of the prosecution and defense bar. As amended, requires CDCR, in consultation with the Committee, to apply for federal Second Chance Act funding and permits the Secretary of CDCR, in consultation with the Committee, to develop a comprehensive state re-entry plan or take other steps to satisfy Second Chance Act funding criteria. Also, contingent on federal funding, requires the Secretary and the Committee to submit an annual report to the Legislature on progress toward the grant re-entry objectives. **VETOED on the basis that the bill imposes new duties on the California Dept. of Corrections and Rehabilitation and on the existing ReEntry Advisory Committee without a source of funds to support the additional functions.**

AB 2350 (Hill, D. – So. San Francisco). Extended detention of out-of-state runaways. Existing law places a 72 hour limit on the time for which an out-of-state runaway (as a WIC 601 status offender) can be securely detained. By selective adjustments of the current language in Welfare and Institutions Code Section 207(b), this bill would effectively remove the 72 hour limit on secure detention for any “out-of-state runaway”. **Signed into law, Stats 2010, Chapter 96.**

AB 2632 (Davis, D. – Los Angeles). Gang injunction violations. Provides that violation of a court-issued injunction that restrains the activities of a criminal street gang or any of its members constitutes contempt of court and may be punished as a misdemeanor. **Signed into law, Chapter 677.**

Senate bills

SB 179 (Runner, R. – Lancaster). Notice procedures for Juvenile Court referee orders. Adjusts written notice requirements to minors or parents not in court at the time of the referee’s order. **Signed into law, Stats 2010, Chapter 66.**

SB 516 (DeSaulnier, D.- Walnut Creek). California Youth Legislature. Establishes a California Youth Legislature to develop recommendations and to advise the Legislature on a broad range of issues affecting California youth. The Youth Legislature would have a Senate and an Assembly. Its members must be 14-18 years of age and be enrolled in school or meet other education requirements. Members

would selected by an Advisory Committee consisting of stakeholders in the youth service and youth advocacy fields. The Youth Legislature would be funded through a new Youth Leadership Fund created by AB 2017 (see above) as a check-off contribution option for taxpayers on state income tax forms. *In VETOED with the message that “as most parents and adults can attest, I would also argue that youth do not need statutory authorization to have their voices and opinions heard”, and with the additional Governor’s observation that there are already “ numerous organizations, entities and communications in which youth can be engaged in our legislative process”.*

SB 543 (Leno, D.- S.F.). Minor’s consent to mental health counseling or shelter services. Adds Section 124260 to the Health and Safety, paralleling Family Code Section 6924 provisions which currently provide that a minor age 12 or older may consent to outpatient mental health treatment or residential shelter care services without parental consent, if the minor meets maturity criteria and is considered a risk of harm to self or others or is a victim of incest or child abuse. The H&S section added by this bill expands the list of professional persons qualified to provide counseling to the minor under these circumstances while removing the limitation that the minor, in addition to being of sufficient maturity, must be at risk of harm or self or others or must be the alleged victim of incest or child abuse. *Signed into law, Chapter 503.*

SB 1067 (Oropeza, D. – Long Beach). DJJ recidivism tracking and reports. Requires the Division of Juvenile Justice to track and report recidivism outcomes and rates for youthful offenders released from its facilities or discharged from parole during any fiscal year. Recidivism outcomes are to be tracked over a three year follow-up period for each ward at 12, 24 and 36 month intervals. Specific outcomes listed in a prior version of the bill have been scrapped in favor of an amended version that lists the prior recidivism measures but leaves it to DJJ to decide which measures or data it will collect and report. Requires the recidivism information to be posted annually on the departmental website. *VETOED with the message that “this bill is unnecessary inasmuch as CDCR has already begun to track this information and it can be made available on request”.*

SB 1091 (Hancock, D.- Berkeley). Medi-Cal reimbursement for detained juveniles. Provides that Medi-Cal benefits may be provided to a juvenile who is admitted to a county detention facility and is awaiting adjudication, until the date of adjudication, if the minor was receiving Medi-Cal benefits at the time of admission to the detention facility or is subsequently determined to eligible for Medi-Cal by the county welfare department. Provides that the county shall pay the state’s share of these benefits through an intergovernmental transfer of funds. Makes implementation contingent upon receiving written confirmation from federal authorities that federal financial participation is available for implementation of the changes authorized by the bill. *VETOED with the message that “This bill, while well-intentioned, is inconsistent with federal law and exposes the state to potentially significant costs”.*

SB 1279 (Pavley, D. – Santa Monica). Sexually exploited minors pilot project in Los Angeles County. Authorizes the establishment of a pilot project in Los Angeles County to provide comprehensive services using a multi-disciplinary team approach to minors who have been arrested or detained on prostitution offenses and have been determined to be victims of commercial sexual exploitation. Authorizes the Los Angeles County District Attorney to coordinate pilot program development efforts with other law enforcement and community service agencies. Requires a report to the Legislature on the results of the project. *Signed into law, Stats 2010, Chapter 116.*

SB 1317 (Leno, D.- S.F.). New misdemeanor for parents of chronic truants. Establishes a new misdemeanor penalty for a parent of a chronic truant. Defines chronic truancy as any pupil subject to compulsory full-time education who is absent without valid excuse for 10 percent or more of the schooldays within one year. Provides that a parent of a chronic truant in grades K-8 who has “failed to

reasonably supervise and encourage the pupil's school attendance", after having been offered language accessible support services to address the pupil's truancy, is guilty of a misdemeanor punishable by up to one year in jail or fine of up to \$2,000, or both. Alternatively, the bill authorizes courts to establish a "deferred entry of judgment" process, funded from nonstate sources, for offending parents that would link them with various supportive services ***Signed into law, Chapter 647.***

SB 1353 (Wright, D. – L.A.). Expanded education rights for children in foster care. Addresses the problem of educational instability for foster youth moving from one placement to another. Provides that educational and school placement decisions must take into consideration the child's educational stability needs including the avoidance of unnecessary school transfers and the opportunity to be educated in the least restrictive educational setting necessary. ***Signed into law, Chapter 557.***

SB 1357 (Steinberg, D.- Sacramento). Data reports on chronic school absence rates. Requires the state Department of Education, contingent upon federal funding, to track and include measures of chronic pupil absenteeism, as defined, in the Annual Report on Dropouts in California that is produced using the "CALPADS" data system that tracks multiple school performance measures. ***Signed into law, Chapter 704.***

SB 1447 (Padilla, D. – Pacoima). Juvenile facility inspections and data collection. Amends WIC Section 209 (on inspections of local juvenile facilities) to authorize the Corrections Standards Authority to inspect and collect data from any facility used for the secure detention of minors, in order to maintain the state's compliance with the federal Juvenile Justice and Delinquency Prevention Act (JJDP). Under the JJDP, California must file annual plans with the federal Office of Juvenile Justice, reporting on its compliance with JJDP mandates on status offender detention, separation from adult prisoners and disproportionate minority contacts. ***Signed into law, Stats 2010, Chapter 157.***

SB 1449 (Leno, D.- S.F.). Penalty for marijuana possession. Reduces the criminal penalty for possession of less than one ounce (28.5 grams) of marijuana from a misdemeanor to an infraction that would be punishable by a fine of not more than \$ 250. ***Signed into law, Chapter 708.***