

COMMONWEAL
The Juvenile Justice Program

JUVENILE JUSTICE BILLS

Pending in the 2010 session of the California Legislature

Updated to April 1, 2010

Listed below are selected juvenile justice and related bills pending in the 2010 session of the California Legislature, including bills introduced in the 2010 session and two-year bills held over from 2009. Listings for two year bills are preceded by an asterisk (*). This digest has been updated to March 31, 2010. For full text and current committee status of any bill, go to 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.*** Conforms California law to qualify for U.S. funds under the federal Fostering Connections to Success and Increasing Adoptions Act of 2008, which provides extended foster care benefits to qualified youth beyond age 18. Creates a new jurisdictional category in California for “nonminor dependents” who remain eligible to receive listed benefits until age 21. Benefits for which nonminor dependents may qualify include AFDC-FC, CalWorks, Kin-GAP. Non-minor dependents are defined as children in foster care who attain the age of 18, are under child welfare or probation supervision and have a transitional independent living case plan as defined in federal law. Following a recent agreement with the US Dept of HHS confirming federal fund availability for California children in Kin-Gap care, the bill was amended in January 2010 to extend several implementation deadlines. *Passed the Assembly, to Senate Human Services and Judiciary Committees.*

* ***AB 61 (Nava, D.-- Santa Barbara). Deferred entry of judgment exclusion for juvenile sex offenders.*** Excludes, from eligibility for the Deferred Entry of Judgment program under the Juvenile Court law, minors charged with listed sex offenses. A reintroduction of the bill that failed last year in the Senate. *Failed passage in the Senate Public Safety Committee in '09, reconsideration granted (two year bill)*

* ***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. *Senate Appropriations, two year bill.*

*** AB 438 (Beall, D.- San Jose). Juvenile and adult offenders with developmental disabilities.**

Establishes a task force under the Dept. of Corrections and Rehabilitation to identify strategies and best practices for addressing the needs of adults and juveniles in the justice system with developmental disabilities. The task force is to include representation from regional centers, Judicial Council, probation officers, defense and prosecution counsel, law enforcement and other stakeholders. Expands eligibility for diversion for developmentally disabled defendants to include those charged with non-violent felonies as well as those charged with misdemeanors. *In Sen. Appropriations, two year bill*

*** AB 999 (Skinner, D. – Oakland). Time adds and credits for Division of Juvenile Facilities wards.**

Establishes a new time-credit system for wards in the state Division of Juvenile Justice, by requiring day-for-day credit toward the release date of the ward for each month of satisfactory performance in a program designated as a credit-qualifying program by the Chief Deputy Secretary for Juvenile Justice. Also, prohibits the DJF staff from imposing time-adds for any reason to the parole consideration date assigned to the ward at commitment. *In the Senate Appropriations Committee, two year bill.*

AB 1683 (Torres, D. – Pomona). Priority populations for pre-school programs. Amends the Education Code to add a new priority for enrollment in state pre-school programs, and for allocation of federal pre-school program funds, for children having a parent who is or has recently been a ward of the juvenile court within the last six months under WIC sections 300, 601 or 602. *To Assembly Education Committee.*

AB 1751 (Ammiano, D.- S.F.). Prior juvenile adjudications and “three strikes” law. Amends California “three strikes” sentencing laws by eliminating prior juvenile adjudications as strikes counting toward longer terms of incarceration or life terms for adults with subsequent convictions. As an amendment of a voter initiative, requires a two-thirds vote of the Legislature. *To the Assembly Public Safety Committee.*

AB 1758 (Ammiano, D.- S.F.). Wraparound services, removal of pilot designation. The foster care wraparound service program, initiated under SB 163 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 specifies that Medi-Cal coverage shall continue while a child is in a wraparound service program. The bill was amended 3/25/10 to provide 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. *To the Assembly Appropriations Committee.*

AB 1831 (Solorio, D. – Santa Ana). After School Education and Safety Act—English learners.

Modifies the year 2002 After School Initiative (Proposition 49) by adding a program to serve English learners, with specific program criteria listed in the bill. Earmarks 24 percent or \$ 132 million of Proposition 49 annual allocations, whichever is greater, to the new English learner program. Currently, Prop 49 spending, as mandated by the initiative, is at the continuous allocation and full-impact level of \$550 million per year (from the state General Fund). *To the Assembly Education Committee.*

AB 1842 (Gilmore, R.- Hanford). Crime of gang recruitment. Broadens the scope of the gang recruitment felony at Penal Code Section 186.26 by making it a crime to recruit a gang member for

“active participation” in the gang rather than for participation in “a pattern of criminal gang activity”.
To Assembly Public Safety Committee.

AB 1900 (Skinner, D.- Berkeley). Use of restraints on pregnant women being transported to and from corrections facilities. Requires that restraints used on pregnant women being transported to or from a state or local correctional facility be the “least restrictive possible” consistent with legitimate security needs. Requires the state Corrections Standards Authority revise state and local correctional and detention facility standards to conform to this objective. *To the Assembly Public Safety Committee.*

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. *Double referred to Assembly Education and Human Services Committees.*

AB 1972 (Carter, D- Rialto). Obstructing or resisting school security officers. Amends Penal Code Sec. 148 by adding school security officers to the list of persons for whom it is a misdemeanor to resist or obstruct in the performance of their duties. *To the Assembly Public Safety Committee.*

AB 2017(Hall, D. – L.A.). YMCA Youth and Government Program. Creates a check-off donation on personal income tax returns, proceeds of which would go to support the YMCA Youth and Government Program which trains high school students in the legislative process, using a model Legislature filled by appointments of youth by current members of the state Senate and Assembly. *Passed Assembly Human Services Committee, referred to Assembly Rev. and Tax Committee..*

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). *To the Assembly Appropriations Committee.*

AB 2140 (Solorio, D.- Santa Ana). High Intensity Gang Task Force. Establishes the High Intensity Interstate Gang Activity Areas Task Force, within the California Emergency Management Agency (Cal EMA), to formulate a comprehensive strategy for identifying high intensity gang activity areas in California and to advise Cal EMA on the appropriate disbursements of state funds to high intensity gang regions as identified. The Task Force is to consist of seven designated law enforcement representatives, one representative from the Governor’s Office and one representative from CalEMA. *To Assembly Public Safety Committee.*

AB 2141 (Lowenthal, D. – Long Beach). Deferred Entry of Judgment. Expands eligibility for the Deferred Entry of Judgment procedure created by Proposition 21—presently limited to juveniles 14 or older charged with first-time felonies—to include juveniles charged with misdemeanor offenses, and without age limitation, unless the juvenile has a prior felony adjudication, a prior DJJ commitment or a prior revocation of probation. *To Assembly Public Safety Committee.*

AB 2200 (Solorio, D. – Santa Ana). Rebuilding Communities and Rebuilding Lives Act of 2010. Requires the Dept. of Corrections and Rehabilitation to establish a community re-entry program for eligible youth between the ages of 16 and 23 upon their release , parole or discharge from the Division of Juvenile Facilities. Requires DJF to enroll eligible youth in a community re-entry program, within 60

miles of his or her last known address, at least 45 days prior to the release, parole or discharge date, with entry into the program not later than 72 hours after release. Requires each re-entry program to offer a specified range of counseling, education, vocation and housing services. Defines a program-eligible youth as a person between 16 and 23 years of age who meets federal poverty guidelines, as defined, and whose release, parole or discharge from DJF occurs prior to 1/1/14. Limits program enrollment to 200 youth with priority given to those with gang affiliations. Requires CDCR/DJF to allocate \$20,000 per enrolled youth per year to cover re-entry program costs. *To the Assembly Public Safety Committee.*

AB 2208 (Torres, D. – Pomona). Prohibition on social networking for registered sex offenders.

Creates a new misdemeanor offense for any person who is required to register as a sex offender and who uses any internet social networking website. Would apply to juveniles who are paroled from the Division of Juvenile Facilities and required to register as sex offenders. *Not yet assigned.*

AB 2212 (Fuentes, D. – Los Angeles). Mental competency of minors in delinquency proceedings.

Establishes a new code procedure to evaluate the competency of minors in delinquency (WIC 601 and 602) proceedings. Requires the Court to declare a doubt as to the minor's competency and to suspend proceedings if, during the pendency of any action prior to adjudication, a doubt is expressed about the minor's ability to understand the nature of the proceedings or to assist counsel in his or her defense. Upon the declaration of doubt, the Court must appoint a competency expert to evaluate the minor's condition and competency and must hold a competency hearing. If the minor is then found to be incompetent, by a preponderance of evidence, the proceedings shall remain suspended until competency is restored or jurisdiction terminates. *To the Assembly Public Safety Committee.*

AB 2319 (Swanson, D. – Oakland). Human trafficking—minors. Under current California law, the crime of "human trafficking" consists of depriving the liberty of a person for the purposes of committing certain sex offenses or engaging in forced labor or services. This bill would expand the scope of the human trafficking crime to include encouraging, inducing or persuading a person under the age of 18 to engage in a commercial sex act. *To the Assembly Public Safety Committee.*

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 is a re-introduction of the amendments that were vetoed recently by the Governor (AB 845, Bass, 2009). AB 2326 revises the membership of the Advisory Committee and requires the Committee to issue periodic advisory reports on re-entry best-practices. Requires the Advisory Committee to develop a "comprehensive resource guide" for re-entry service and stakeholder groups. Requires the Committee to seek grant funds through the federal Second Chance Act of 2007 and to develop a comprehensive strategic re-entry plan, with listed outcome measures and a goal of reducing recidivism by 50 percent over a five year period. Lists other Committee tasks. *To the Assembly Public Safety Committee.*

AB 2350 (Hill, D. – So. San Francisco). Extended detention of out-of-state minors under the Interstate Compact for Juveniles. Existing law places a 72 hour limit on the time for which an out-of-state runaway or other out-of-state status offender can be securely detained. This bill would remove the 72 hour limit for any minor that is being detained "pursuant to the Interstate Compact for Juveniles" allowing detention to continue for "as long as necessary to arrange his or her return to the appropriate jurisdiction". *To the Assembly Public Safety Committee.*

AB 2459 (Caballero, D. – Salinas). *New evidence-based requirements for state-funded juvenile justice programs.* Requires that fixed percentages of state funds appropriated for the supervision of juveniles under the jurisdiction of the juvenile court and for state-funded crime and violence prevention programs be allocated to evidence-based programs, as defined. Defines an evidence-based program as a program that a) incorporates “significant and relevant practices based on scientifically based research”, b) uses “practices that have been documented to be valid and reliable,” or c) is “cost-effective in the service it provides”. Excludes education and medical service costs from the definition of evidence-based. Phases in the allocation requirements over three fiscal years: for 2011-12, 25% of all targeted juvenile justice funds must be allocated to evidence-based programs, rising to 50% by FY 2012-13 and 75% by FY 2013-14. Assigns oversight to the Department of Corrections and Rehabilitation which is required to produce a report to the Legislature, starting in 2012, evaluating the effectiveness of the use of evidence-based juvenile justice programs. *To the Assembly Public Safety Committee.*

AB 2501 (Lieu, D. – Torrance). *School Safety Plans.* Amends existing Education Code provisions mandating the development of school safety plans in K-12 schools, by revising various plan development procedures and by adding charter schools to the list of schools for which such plans must be developed. *To the Assembly Education Committee.*

AB 2547 (Galgani, D. – Tracy). *Spot bill on root causes of delinquency.* Spot bill declaring the intent of the Legislature to address the root causes of delinquency through remedial and community services. (Same bill as AB 2114—probably an introduction error). *Not yet assigned.*

AB 2631 (Logue, R. – Linda). *Reports on juvenile immigration status to federal agencies.* Pre-empts and declares invalid any local (city, county, city and county) policy or ordinance that prevents or limits a law enforcement agency or employee from notifying federal authorities that a person, including a juvenile, may be in the United States illegally. *Not yet assigned to committee.*

AB 2632 (Davis, D. – Los Angeles). *Gang injunction violations.* Provides that violation of a gang injunction issued under Penal Code Section 186.22a constitutes contempt of court and may be punished as a misdemeanor. *To the Assembly Public Safety Committee.*

Senate bills

* **SB 179 (Runner, R. – Lancaster). *Juvenile Court referee orders and review.*** Alters Welfare and Institution Code procedures for review of orders made by Juvenile Court referees. Allows in-court notice of review rights if the minor or parent are in court when the order is made. Adjusts written notice requirements to minors or parents not in court at the time of the referee’s order. The previous provision making referee orders final at 180 days has been amended out of the bill. *In Assembly Judiciary Committee, two year bill.*

* **SB 282 (Wright, D.- Inglewood). *Terminations of criminal street gang injunctions.*** Establishes a civil procedure for an individual to petition the court for termination of a criminal street gang issued against the individual, after five years and based on good behavior as defined during that period. Lists the circumstances under which the Court must grant the petition and requires the Judicial Council to develop forms for the termination petition. *In the Assembly Public Safety Committee, two year bill*

* **SB 840 (Yee, D.- S.F.). Crime reporting where victim is a minor.** Existing law makes it a crime to fail to report to a peace officer an observed, listed violent crime where the victim is under the age of 14. This bill would raise the age threshold for making such reports to age 18. As amended, would not impose the reporting requirement on the victim of the offense or on a child under age 12. *To the Senate Appropriations Committee.*

* **SB 399 (Yee, D.- San Francisco). Juvenile life terms (LWOP).** Reintroduces prior LWOP (Life Without Parole) reform bills in a new framework that would allow for periodic court review of juvenile life prison sentences. The bill provides that, after 10 years of LWOP incarceration (with some variations listed in recent amendments), a defendant who was under 18 at the time of the offense may petition the sentencing court for resentencing. The court must hold a resentencing hearing if it determines that the petitioner meets any of three criteria listed in the bill— that the defendant was convicted under the felony murder rule or as an aider or abettor, that the defendant did not have a record of felony violence prior to the LWOP crime, or that the LWOP crime was committed with at least one co-defendant. If one of these circumstances is found to be true, the court shall hold a hearing to determine whether to recall or resentence the defendant. At the hearing the court may consider multiple factors including eight criteria listed in the bill (for example, whether the defendant has mental competency issues or whether the defendant has performed acts indicating rehabilitation). Using these same eight criteria, the court may recall or resentence the defendant to a term not greater than the initial sentence. Applies retroactively. *Passed the Assembly Public Safety Committee, to Assembly Appropriations Committee.*

* **SB 441 (Ducheny, D. – San Diego). Corrections Standards Authority.** In yet another round of amendments, the bill abolishes the Corrections Standards Authority as presently constituted and establishes the Board of Community Corrections, independent of CDCR, to replace it. Transfers current functions of CSA to the new Board of Community Corrections. Requires the new Board to make a study of “the entire subject of crime” with listed sub-topics. Reconstitutes the old CSA board as a 17 member body with adjustments to the slots represented on the Board—for example, adding a superior court judge. Reinstates the abolished Commission on Peace Officer Standards and Training (CPOST) within CDCR with modifications to its membership and functions. *In the Assembly Appropriations Committee, two year bill*

* **SB 516 (DeSaulnier, D.- Walnut Creek). California Youth Legislature.** Establishes a California Youth Legislature to develop recommendations for the Legislature and the Governor on a 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 have two year terms and would be appointed, one for one, by currently elected Senate and Assembly members. It would be funded by taxpayer contributions to a new California Fund for Youth to be included as an option on state income tax forms, and its operations would be terminated if the Joint Committee on Rules determines that funds are insufficient to support its costs. *In Assembly Rev and Tax Committee, two year bill.*

* **SB 543 (Leno, D.- S.F.). Minor’s consent to mental health counseling or shelter services.** Adds Section 5849.10 to the Welfare and Institutions Code, paralleling Family Code Section 6924 provisions which currently provides that a minor age 12 or older may consent to 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 WIC section added by this bill adds, to the list of professional persons qualified to provide counseling to the minor under these circumstances, the following; board certified or board eligible psychiatrists, licensed clinical social workers (LCSW’s) and marriage and family therapist registered interns. As amended, limits the applicability of consent provisions to outpatient mental health services. *Assembly Floor, two year bill.*

* **SB 698 (McLeod, D. – Chino). Juvenile Court schools.** Changes the method of calculating payments to juvenile court schools by using average daily enrollment, as defined, in lieu of average daily attendance. Exempts juvenile court schools from deficit factor reductions applied to revenue limits for other types of schools. *In the Senate Appropriations Committee, two year bill.*

SB 1067 (Oropeza, D. – Long Beach). Juvenile justice recidivism. Requires the Division of Juvenile Justice to track recidivism and recidivism rates of youthful offenders under its jurisdiction, as defined in the bill, and to report this information annually to the Legislature. Recidivism is defined as an adjudication or adult conviction for an offense committed within 36 months of completing DJJ, at 12, 24 and 36 month measured intervals. Does not specify the recidivism measures to be tracked. Adjusts the statutory organization chart for the state juvenile justice agency by establishing the “Division of Juvenile Justice” as the oversight entity with three subdivisions (Division of Juvenile Facilities, Division of Juvenile Programs and the Division of Juvenile Parole Operations). Requires Senate confirmation for the Chief Deputy of DJJ as well as for each subdivision chief. *To the Senate Public Safety Committee.*

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, for up to 30 days after admission or until the date of adjudication (whichever comes first), if the minor was receiving Medi-Cal benefits at the time of admission to the detention facility. Provides that the county shall pay the state’s share of these benefits through an intergovernmental transfer of funds. Delays implementation to January 2012 and makes implementation contingent upon receiving federal financial participation and upon federal approvals or waivers of current limits on Medi-Cal coverage for detained juveniles. *To the Senate Health Committee.*

SB 1109 (Cox, R. - Fair Oaks). Abolishes Children & Families Commission, transfers Prop 10 tobacco tax revenues to the state General Fund. Eliminates the Children and Families Commission and transfers all tobacco tax revenues raised through Proposition 10 to the state General Fund to support state costs for Healthy Families and Medi-Cal. Requires a two thirds vote of the Legislature. *To the Senate Health Committee.*

SB 1148 (Alquist, D. – Santa Clara). Truancy definition. Redefines “chronic truancy” in the Education Code as unexcused absence by a pupil subject to state compulsory attendance for 10 percent or more of the school days in one school year. *To Senate Education Committee.*

SB1204 (Runner, R. – Lancaster). Ban on internet social networking for registered sex offenders. Provides that a person who is required to register as a sex offender shall be prohibited from opening an account on, or otherwise participating in, a social networking Internet Web Site; defines prohibited sites with exclusions for certain professional and business sites. Requires registered sex offenders to notify the Department of Justice of any or all of his or her online addresses, emails and instant messaging user names within 30 days of opening a new online account. As drafted the prohibitions would apply to both to registered adult sex offenders and to juveniles paroled from the state Division of Juvenile Justice and required to register under Penal Code Section 290.008. *To the Senate Public Safety Committee.*

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. *To Senate Public Safety Committee.*

SB 1300 (Correa, D. – Santa Ana). Teen dating violence prevention. Authorizes local school districts to provide age-appropriate instruction on teen dating violence as part of the sexual health and education program now provided to pupils in grades 7-12. Specifies the elements to be included in the teen dating violence prevention program. Provides for and requires parental consent for pupil participation in the program. Requires the state Board of Education to consult with the Department of Public health, the Attorney General and sexual assault prevention advocates in the development of a teen dating violence prevention curriculum. *To Senate Education Committee.*

SB 1313 (Maldonado, R. – Santa Maria). Gang Crime and Violence Prevention Partnership Program providers. Places new conditions on state funds distributed to community-based and nonprofit organizations under the Gang, Crime and Violence Prevention Program. Provides that no state funds shall be provided under the program unless the recipient organization signs an agreement with each person providing gang intervention services that he or she will report his or her conviction of any offense within 90 days of the conviction. *To the Senate Public Safety Committee.*

SB 1317 (Leno, D.- S.F.). Truancy definition and sanctions. Establishes a new misdemeanor penalty for the parents of a chronic truant as defined, with an alternative parent training program linked to a “deferred entry of judgment” procedure. Linked by amendment to SB 1148, which re-defines chronic truancy, and would not become operative unless SB 1148 is enacted with its redefinition of chronic truancy. *Passed Senate Education Committee, to Senate Public Safety Committee.*

SB 1353 (Wright, D. – L.A.). Expanded education rights for children in foster care. Adds multiple provisions to the Education and Welfare and Institutions codes that would require foster care case plans to take the foster youth’s educational stability needs into account and that efforts be made to avoid disruptions in education and mid-session school transfers if the youth’s placement is changed. *Passed Senate Education Committee, to the Senate Human Services Committees.*

SB 1447 (Padilla, D. – Pacoima). Juvenile facility inspections and data collection. Amends WIC Section 209 (on inspections of local juvenile facilities) to require the Corrections Standards Authority to adjust its inspection and data collection activities to be in full compliance with the plan and reporting mandates of 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. *To the Senate Appropriations Committee.*

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. *To the Senate Appropriations Committee.*