

**COMMONWEAL**  
**The Juvenile Justice Program**

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**JUVENILE JUSTICE AND  
YOUTH VIOLENCE PREVENTION BILLS**

Introduced in the 2011 Session of the California Legislature

**March 21, 2011**

This bulletin contains digests of bills introduced in the 2011 session California Legislature on the subjects of juvenile justice, youth crime and violence prevention and related youth program and placement issues. Amendments and status reports are current to March 18. The last day for fiscal bills to pass their house of origin in 2011 is May 6. Non-fiscal bills have until May 13 to be approved in the house of origin. The digest includes bills selected for their relevance in the named fields, but some bills touching on the subject matter may be omitted from this review. The full text and status of all bills can be found on the California legislative website at [www.leginfo.ca.gov](http://www.leginfo.ca.gov).

## **Assembly bills**

**AB 8 (Huber, D. – Lodi). Moratorium on closing state youth correctional facilities.** Imposes a six months moratorium, from the effective date of the bill if it becomes law, on closing any state youth correctional facility. The overt goal of the author is to prevent the Administration's planned closure of the Preston youth facility operated by the Division of Juvenile Justice (DJJ) in Ione, California, on behalf of corrections employees whose jobs would be sacrificed if Preston shuts down. *Failed passage in the Assembly Public Safety Committee on 3/15.*

**AB 9 (Ammiano, D. – S.F.). Bullying.** Spot bill stating intent of Legislature to enact legislation requiring school personnel to report bullying instances to law enforcement. *Not assigned.*

**AB 12 (Swanson, D. – Oakland). Penalties for sex crimes involving minors under age 16.** Requires any person convicted of substantial sexual misconduct (PC 1203.066) with a person under age 16 to pay, in addition to any other fine or penalty, \$25,000 to be deposited in the Victim-Witness Assistance Fund to support counseling and prevention activities related to sexual exploitation of children. *To Assembly Public Safety Committee.*

**AB 66 (Chesbro, D- Eureka). Extension of vehicle license fee supplemental public safety tax.** Would remove the June 2011 sunset of the vehicle license fee supplemental tax of .15% adopted in 2009 and dedicated to the support of local public safety grants. The VLF supplemental tax supplies all funds allocated to counties under the Schiff Cardenas Juvenile Justice Crime Prevention Act (JJCPA) and the Juvenile Probation Camp Fund (JPCF). Meanwhile, the Legislature has already approved the Governor's Realignment Plan, subject to statewide voter approval, which would also extend the VLF and other taxes to sustain local public safety grants including JJCPA and JPCF. *In Assembly Rev. and Tax Committee.*

**AB 99 (Assembly Budget Committee). Children and Families (First Five) Initiative Fund Redirection.** Diverts \$1 billion in Proposition 10 funds, now supporting a range of programs and services for children up to age five, to cover General Fund Medi-Cal costs for FY 2011-12, on a one-time basis only. A key component of the Governor's budget reduction plan and—though not without disagreement or possible legal challenge—may be approved by a two-thirds vote of the Legislature without resubmission of the Initiative to state voters. *Approved by both houses and enrolled to the Governor on March 16.*

**AB 100 (Assembly Budget Committee). Mental Health Services Act Fund Redirection.** Redirects \$860 million in Proposition 63 MHPA funds to cover General Fund costs of Medi-Cal mental health services, state EPSDT share AB 3632 mental health special education costs. The capture and diversion of MHPA funds would be for the FY 2011-12 year only, sunseting on July 1, 2012. A key component of the Governor's budget deficit reduction plan and—though not without disagreement or possible legal challenge—may be approved by a two-thirds vote of the Legislature without resubmission to state voters. *Approved by both houses and enrolled to the Governor on March 16.*

**AB 109 (Assembly Budget Committee). Corrections Budget Trailer Bill; Realignment of the Division of Juvenile Justice to Counties.** Incorporates the Governor's proposal to shift major state corrections and criminal justice populations and operations to counties, as part of a larger Realignment Plan that would transfer \$ 6 billion of state-funded programs to counties, contingent upon voter approval of tax extensions to pay counties for the realigned operations. On the adult side, AB 109 moves persons convicted of first-time specified non-violent/non-serious/non-sex (so called "triple Ns") to county jails instead of state prisons and moves a major share of the adult parole population to county control. On the juvenile justice side, AB 109 provides that the Division of Juvenile Justice (DJJ) shall no longer accept commitments of juveniles to its facilities unless the Division has a memorandum of understanding with a county that provides for such commitment. A new WIC Sec. 1710.5 permits a county to enter into an MOU with the state for the commitment of minors adjudicated for offenses listed in WIC Section 707 (b). (Notably, the new section makes no mention of non-707 sex offenders that are currently eligible for DJJ). While this is the functional equivalent of full fiscal realignment of the Division of Juvenile Justice, this is "placeholder language" meaning that the details of DJJ realignment are deferred to future negotiation and adoption. AB 109 makes all of its realignment provisions contingent upon the adoption of a community corrections grant program with an appropriation to fund the shifted operations. *Approved by both houses and enrolled to the Governor on March 16.*

**AB 161 (Eng, D.- Monterey Park). New criminal trespass crime for juveniles.** Amends the trespass section of the Penal Code (PC 602) to create a new misdemeanor for any juvenile who enters or refuses to leave private property, including property open to the public and any adjacent properties under the same ownership, if the juvenile has been previously adjudicated for any criminal offense on the property. *In the Assembly Public Safety Committee.*

**AB 177 (Mendoza, D.- Artesia). Court ordered anti-gang classes for parents of adjudicated minors.** Under existing law the parents of a minor found to have committed a gang-related offense may be ordered by the Juvenile Court to participate in an "antigang violence parenting class". This bill eliminates the requirement that the minor must have committed a gang-related offense as a basis for ordering parents to attend these classes. Instead, the bill provides that a parent may be ordered to attend anti-gang classes if the minor is found to be a person described in WIC Section 601 or 602 and if the court finds that "factors exist that may indicate gang involvement on the part of the minor, or may lead to future gang involvement". *Passed Assembly Public Safety Committee, to Assembly Floor.*

**AB 181 (Portantino, D. – Pasadena). Foster care bill of mental health rights.** States that it is the policy of the state that all children in foster care shall have enumerated mental health rights including the right to interview a therapist prior to treatment; to discontinue psychotropic meds having dangerous side effects; to continue with the same therapist for one year after a change in placement; to confidentiality consistent with other laws; to refuse treatment and other enumerated rights. Requires the state Foster Care Ombudsperson to disseminate information to foster youth regarding these rights. *In the Assembly Human Services Committee.*

**AB 220 (Solorio, D. – Santa Ana). Office of Gang and Youth Violence Policy.** Requires the Director of the Office of Gang and Youth Violence Policy to submit to the Legislature recommendations on streamlining existing state agency gang and youth violence grant programs “with a goal toward giving priority to grant programs that employ evidence-based practices”. Requires the Director to establish a working group of designated stakeholders, policymakers and experts to develop the recommendations. States that the recommendations must include procedures for state agencies administering gang and youth violence grant programs to provide incentives for grantees to implement evidence-based practices. *Passed Assembly Public Safety Committee, to Assembly Appropriations.*

**AB 321 (Hernandez, D. – W. Covina). Enhanced penalties for minors found to be in possession of sexually explicit material.** Requires the Court, in addition to other sentencing options, to impose a \$1,000 fine and to order counseling for any minor adjudicated as a delinquent under WIC Section 602 for the crime of possessing sexually explicit materials depicting children (PC 311.11). *To the Assembly Public Safety Committee.*

**AB 396 (Mitchell, D-L.A.). Medi-Cal services for detained juveniles.** Requires the Department of Health Care Services to develop a process to maximize federal financial participation for health care services for children detained in a juvenile facility, if the child is otherwise eligible for Medi-Cal. Provides that the process shall only be implemented in counties that agree to pay the non-federal share of Medi-Cal expenditures for juveniles covered by the bill. *Double referred to Assembly Health and Public Safety Committees; set for first hearing in Public Safety on 4/5/11.*

**AB 419 (Mitchell, D.- L.A.). Community care facility licenses and inspections.** Increases the application and renewal fees for licenses for community care facilities, including children’s group homes, by adjusting fee schedules for various types of facilities in the Health and Safety Code. Requires the Department of Social Services to conduct unannounced inspections of community care facilities at least once per year and as necessary to ensure the quality of care provided. *To the Assembly Human Services Committee.*

**AB 489 (Alejo, D. - Salinas ). Corrections Peace Officer Standards and Training (CPOST).** Reverses the 2005 Corrections Reorganization consolidation of CPOST into the Corrections Standards Authority by removing the training program from CSA and establishing it as an independent unit within the Department of Corrections and Rehabilitation. Establishes a new CPOST executive board of seven members designated by the Department and by the California Correctional Peace Officers Association as specified in the bill. Transfers current CSA correctional training operations to the new entity. *To the Assembly Public Safety Committee.*

**AB 526 (Dickinson, D. - Sacramento). Office of Gang and Youth Violence Policy.** Requires the Governor's Office of Gang and Youth Violence Policy to include within its deliberations the development of a plan to shift state-funded crime prevention and juvenile justice programs toward evidence-based practices over a three year period. *Double-referred to the Committees on Gov't Organization and Public Safety.*

**AB 630 (Hueso, D. – Chula Vista). Bullying.** Expresses the intent of the Legislature to encourage schools districts to establish anti-bullying programs including curriculum enhancements and training of school administrators and teachers in all aspects of bullying and building positive school climates. *Not yet assigned.*

**AB 653 (Galgani, D. - Tracy ). Sex offender registration requirements and limits on internet use.** Adds new requirements and restrictions for individuals required to register as sex offenders under the Penal Code, including certain parolees from the Division of Juvenile Justice. Registrants must disclose to law enforcement agencies the establishment of any internet account and internet user ID. Requires courts to impose additional prohibitions on internet use and social networking by persons convicted of designated sex crimes. *To the Assembly Public Safety Committee.*

**AB 694 (Gorell, R. – Camarillo). Expanded criteria for commitment to the Division of Juvenile Facilities (DJF).** Amends Welfare and Institutions Code Sec. 733 to expand eligibility for commitment of juvenile offenders to DJF. Currently, WIC 733 provides that in order to be eligible for DJF, a juvenile's most recently adjudicated offense must be on the WIC 707 (b) list of serious crimes for which minors may be tried as adults, or must be a sex offense on the Penal Code 290.008 sex offender registration list. AB 694 eliminates the "most recent offense" limitation, allowing DJF commitment for any misdemeanor or felony if the minor has ever been previously adjudicated for WIC 707(b) or registerable sex offense. Would bypass recent California Appellate Court decisions reversing DJF commitments based on court dismissals of intervening priors in order to meet the current "most recent offense" criterion for DJF commitment. *To the Assembly Public Safety Committee, set for April 5.*

**AB 702 (Swanson, D.- Oakland). Sealing juvenile records and setting aside adult convictions in prostitution cases.** Provides that a person adjudicated in Juvenile Court for a prostitution offense may, upon turning 18, apply to the Court and have their records sealed without having to prove the absence of subsequent criminal convictions. Establishes a process for adults convicted of prostitution crimes to have the conviction set aside by the court if the petitioner was a victim of human trafficking. *To the Assembly Public Safety Committee.*

**AB 709 (Brownley, D. – Santa Monica). School placements for foster children.** Existing law permits children in foster care, including probation-placed youth, to continue in their school of origin while under the jurisdiction of the Juvenile Court, or to transfer to a new school on the approval of the person entitled to make educational decisions for the child. For foster children transferring to new schools, this bill requires the school to immediately accept the foster child even if certain medical records and immunization forms otherwise required for admission are not immediately available. *Double-referred to the Assembly Education and Human Services Committees.*

**AB 746 (Campos, D. – San Jose ). Bullying.** Expands the definition of bullying as grounds for suspension or expulsion of students by specifically including posts on social networking sites as electronic acts that qualify under the Education Code as bullying tactics. *To the Assembly Education Committee.*

**AB 755 (Galgani, D. – Tracy). Sex offender registration and internet use.** Requires persons who must register as sex offenders under the Penal Code, including certain Div. of Juvenile Justice parolees, to update law enforcement agencies on changes in their internet accounts and user names. By July 2012, requires all persons and entities that collect personal data on California minors to certify to the Department of Justice their plan to coordinate with law enforcement and adopt policies to block access to that information by persons required to register as sex offenders, and requires the Department of Justice to issue guidelines for such certification by March 2012. *To the Assembly Public Safety Com.*

**AB 884 (Cook, R. –Yucca Valley). Sex offender registration notice to neighbors and schools.** Requires law enforcement agencies to provide specified details about persons required to register as sex offenders, including certain parolees from the Division of Juvenile Justice, to persons living within 1000 feet of the residence of the registered sex offender and to other listed persons in the area including school superintendents and pre-school and child care center administrators. *To the Assembly Public Safety Committee.*

**AB 918 (Block, D.- San Diego), Expanded penalties for pimping, pandering and human trafficking offenses.** Amends Proposition 21, the year 2000 Juvenile Crime Initiative, by adding pimping, pandering and human trafficking to the list of offenses which may be used to establish a pattern of criminal gang activity, and adds new crimes to the Penal Code for pimping, pandering or human trafficking activity occurring within 1000 feet of a school. *To the Assembly Public Safety Committee.*

**AB 980 (Bonillo, D. - Martinez). Handling of confidential information in School Attendance Review Board (SARB) proceedings.** Permits members of SARBs to exchange confidential information gleaned from school, probation, social service and law enforcement sources if the information is reasonably believed by a board member to be relevant to the prevention, identification or treatment of truancy. Provides that discussion of such information in board meetings shall be confidential. *Double-referred to the Assembly Education and Judiciary Committees.*

**AB 996 (Donnelly, D. -Hesperia ). Gang crime enhancements.** Requires that all fines and prison terms be doubled for a person convicted under the criminal gang statute (Penal Code Sec. 186.22) if the person is determined to have been a member of a named drug cartel at the time he or she committed the gang crime. *To the Assembly Public Safety Committee.*

**AB 1111 (Fletcher, R. – San Diego and Mitchell, D. – L.A.). Court fines owed by homeless youth.** Bars wage and bank garnishment to collect unpaid court fines or fees for truancy, loitering or curfew citations from a homeless person as defined until after the homeless person attains the age of 25. *Not yet assigned to committee.*

**AB 1122 (John Perez, D. – L.A. and Ammiano, D. – S.F.). Division of Juvenile Facilities tattoo removal program.** Makes minor changes to WIC 1915 which presently requires DJF to provide and operate laser tattoo removal sites (one each in Northern and Southern California) for persons selected by community groups working with offenders and gang members in order to increase their prospects of obtaining and maintaining employment. *Not yet assigned to committee.*

**AB 1156 (Eng, D.- Monterey Park). Bullying.** Amends school safety plan requirements under the Education Code to provide that requisite school safety training shall include training of personnel in the prevention of bullying as re-defined by this bill. Provides that a pupil who has been a victim of bullying in one school district meets residency requirements for admission to a school in another district. Expands the definition of bullying at Ed. Code Sec. 48900 (r) as grounds for pupil suspension or expulsion to include a range of verbal and physical behaviors having listed detrimental effects on any other pupil. *Not yet assigned to committee.*

## **Senate bills**

**SB 9 (Yee, D. – S.F.). Juvenile life without parole (LWOP) sentences.** Reintroduction of this author's juvenile LWOP bills that failed passage in previous sessions. Provides for periodic review and resentencing of juveniles with LWOP sentences. After having served 10 or 15 years of an LWOP sentence (depending on how recently the sentence was imposed), a defendant who was under 18 at the time of the crime may petition the sentencing court for recall of the LWOP sentence and re-sentencing. The court must then hold a recall and resentencing hearing if the defendant meets one of four criteria related to criminal and rehabilitation history. Based upon review at the hearing of eight factors related to the defendant's criminal and developmental history and progress toward rehabilitation, the Court may recall the LWOP sentence and re-sentence the defendant, provided that the new sentence is not greater than the initial sentence. If the LWOP sentence is not recalled on the first attempt, the defendant may reapply for recall after having served 15, 20 and (for the last time) 24 years. Other procedural details are contained in the bill which has retroactive application. *To the Senate Public Safety Committee.*

**SB 13 (Correa, D. – Santa Ana ). Teen dating violence prevention.** Authorizes school districts to provide teen dating violence prevention education as part of the sexual health and health education program provided to students in grades 7 through 12. Specifies the contents, materials and objectives for the program. Requires notice to parents about the program and includes opt-out provisions for parents not wishing to involve their child in the program. Requires the state Board of Education to revise its health curriculum framework to incorporate the teen dating violence prevention program. *To the Senate Education Committee.*

**SB 57 (Runner, R. - Lancaster ). Sex offender registration requirements on internet use.** Requires any person subject to Penal Code sex offender registration requirements, including certain parolees of the Div. of Juvenile Justice, to inform law enforcement of his or her on-line addresses and user names for e-mail or instant messaging and provides for sharing of this information between law enforcement agencies, with a misdemeanor penalty for failure to comply. *To the Senate Public Safety Committee.*

**SB 105 (Yee, D. – S.F.). Helmets for skiers and snowboarders.** Requires persons under 18 to wear a certified and properly fitted snow sport helmet while skiing or snowboarding, subject to a \$25 fine. Exempts Nordic skiing. Requires notices to be posted by ski resorts. *To the Senate Health Committee.*

**SB 121 (Liu, D. – Pasadena). School placement for foster children with exceptional needs.** Existing law provides that local education agencies shall prefer placement in public schools over nonpublic, nonsectarian schools for children with exceptional needs who are in licensed children's facilities or foster family homes (including WIC 601 or 602 children in group homes). This bill states that an exceptional needs foster child shall not be referred to a nonpublic, nonsectarian school unless his or her specialized education program specifies that such school placement is appropriate or unless the child's education decision maker authorizes placement in a nonpublic, nonsectarian school. *To the Senate Education Committee.*

**SB 123 (Liu, D.- Pasadena). Runaway, Homeless and Exploited Youth Act.** “Encourages” the Senate Office of Research to collaborate with the California Emergency Management Agency (CalEMA) to develop a statewide plan for runaway, homeless and exploited youth. Exploited youth are defined as persons under age 18 who are involved in human trafficking or sexual commerce. Elements of the plan are specified in the bill including: identify data and outcome measures to evaluate relevant programs; propose a steady revenue stream to support shelter and services for these youth; and describe roles of law enforcement and child welfare system in preventing runaway/homeless outcomes. *To the Senate Public Safety Committee, set for March 22.*

**SB 247 (Wyland, R. - Escondido). Crimes added to WIC 707 (b) list of adult court offenses.** Adds two crimes to the existing list of crimes in Welfare and Institutions Code Sec. 707 (b) for which minors are subject to judicial transfers or prosecutor “direct files” in adult criminal court. The added crimes are vehicular manslaughter while intoxicated and great bodily injury committed while driving a vehicle under the influence of alcohol or drugs. *To the Senate Public Safety Committee.*

**SB 248 (Wyland, R. – Escondido). DNA samples and prints for additional misdemeanors.** Adds several misdemeanor offenses to the Penal Code list of crimes for which adults and juveniles must, upon conviction or juvenile court adjudication, submit DNA samples, finger and palm prints and blood samples to law enforcement, including disorderly conduct, animal cruelty and loitering with intent to commit prostitution. *To the Senate Public Safety Committee*

**SB 296 (Wright, D. – L.A.) Exemption from gang injunctions.** Amends gang crime provisions in the Penal Code to allow an individual subject to a court-ordered gang injunction to petition the Court to exempt him or her from all or any part of the injunction. Specifies eight criteria that must be met in order for the exemption to be granted including that the individual is not a member of the enjoined gang and that he/she has not violated the injunction, has not belonged to or associated with any other criminal gang, and has not been arrested during the last three years. *To the Senate Public Safety Committee.*

**SB 486 (Dutton), Reallocation of Children and Family Initiative Funds.** Would unwind the spending provisions of Prop 10, the California Children and Families Act of 1998 (aka “First Five Initiative”). Redirects the tobacco tax revenues raised by the Initiative—now allocated to a variety of prevention and support programs for children up to age five—to the General Fund for redistribution to cover cuts to state-funded Healthy Families and Medi-Cal programs. This author’s objective is also met by AB 99, the budget trailer bill that has already been enrolled to the Governor (see above). *To the Senate Health and Governance & Finance Committees.*

**SB 578 (Negrete McLeod, D. – Chino). School credits for children in foster care.** Requires school districts and county offices of education to accept the coursework satisfactorily completed by a pupil in foster care while attending school in another district, a juvenile court school or a nonpublic, nonsectarian school and to issue full or partial credit for the work even if the pupil did not complete the entire course. Prohibits the public school from requiring the pupil to retake a course for which partial or full credit has been applied under the bill. Encourages school districts and county education officers to implement credit recovery programs, as described, that will permit a foster child to recoup credits needed to graduate. *To the Senate Education Committee.*

**SB 601 (Hancock, D. – Berkeley). Budget and program accountability for adult and juvenile corrections.** Spot bill stating legislative intent to address budget and program accountability for prison, parole and juvenile offender operations and to require the Secretary of CDCR to publish quarterly reports detailing the department’s itemized budget and expenditures. *Not yet assigned to committee.*

**SB 656 (Steinberg, D.- Sacramento). Criminal and social service revenue sharing between counties and cities.** Spot bill stating intent to enact legislation that would authorize a city and a county to enter into a revenue sharing agreement to fund criminal justice and social service programs to be administered by the county for the benefit of city residents. *Not yet assigned to committee.*

**SB 661 (Lieu, D. – Redondo Beach). Firearm restrictions near schools.** Modifies the existing prohibition against possession of a firearm within 1,000 feet of a school by extending the “gun free school zone” to 1,500 feet. Modifies the existing exception for handguns locked in car trunks to specify that the exception applies only to lawfully possessed and unloaded guns that are in a locked container in the car or locked in the car’s trunk. *To the Senate Public Safety Committee.*

**SB 695 (Hancock, D. – Berkeley). Medi-Cal benefits for detained minors.** Under federal law, incarcerated persons under age 21 are not eligible for Medi-Cal health benefits. This bill would, subject to federal financial participation, provide that a juvenile who is in a county detention facility awaiting adjudication may be provided with Medi-Cal benefits if he or she a) was eligible for Medi-Cal when admitted or is subsequently determined to be eligible and if b) the county agrees to pay the state’s share of Medi-Cal costs. Benefits would continue until the minor is adjudicated. The bill would not take effect until the state Director of Social Services issues a declaration stating that implementation of the bill will not jeopardize the state’s access to federal funds. *To the Senate Health Committee.*

**SB 803 (DeSaulnier, D.- Concord). California Youth Leadership Project..** States the intent of the Legislature to establish the California Youth Leadership Fund and Project which would support advocacy efforts by youth to improve prospects and outcomes for disadvantaged and at-risk youth in the realms of education, employment, juvenile justice, parenting and other areas. *Not yet assigned.*

**SB 913 (Pavley, D. – Agoura Hills). Probation-authorized medical exams and treatment.** Existing law permits the probation officer to authorize medical treatment for a minor who is taken into temporary custody and is in need of medical, surgical, dental or other remedial care. This bill expands the probation officer’s authority by additionally allowing the probation officer to authorize a medical exam of the minor, whether or not the minor is in need of treatment. The exam must comply with standards promulgated by the Corrections Standards Authority. Relaxes the pre-requisite of notice to parents or guardians before treatment can be administered by providing instead that the probation officer shall make a reasonable effort to notify parents and obtain parental consent. *To the Senate Public Safety Committee.*

**SB 927 (Runner, R. – Lancaster). Access to Juvenile Court case file.** Adds to the list of persons authorized to inspect a minor’s Juvenile Court case file the following: attorneys, court officers, law enforcement and probation officers who are actively participating in criminal or juvenile proceedings involving the sibling of the minor.

*Bill digests by David Steinhart, Director*

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