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California Legislative Bulletin JUVENILE JUSTICE AND YOUTH POLICY BILLS IN THE 2008 SESSION OF THE CALIFORNIA LEGISLATURE

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This bulletin includes brief digests of bills that are pending in the current session of the California Legislature on the topics of juvenile justice, youth corrections, youth crime and violence prevention, juvenile justice/mental health and probation foster care. The report includes two-year bills that are still active and bills newly introduced in 2008. Bill status and amendments are updated to 4/1/08.

ASSEMBLY BILLS

AB 273 (Jones, D. – Sacramento). Health assessments. For children who are removed from their homes under the delinquency jurisdiction of the juvenile court, requires that each one shall receive a health assessment from an approved CHDP provider as well as a dental assessment from a licensed dentist. Also requires the results of the assessments to be included in the foster care case plan. *In the Senate Appropriations Committee.*

AB 360 (Carter, D- Rialto). Purpose of the Juvenile Court Law. Overhauls the “purpose section” of the California Juvenile Court Law (WIC Sec. 202) to incorporate “restorative justice” principles and priorities including community protection, accountability to victims and competency development. Deletes current statutory objectives for delinquency jurisdiction including the phrase “such punishment as may be consistent” with rehabilitation and language incorporating the goals of family preservation and family reunification. *Passed Assembly, in the Senate Public Safety Committee.*

AB 499 (Swanson, D. – Oakland). Sexually exploited minors. Previously, revamped justice system processing of minors arrested for prostitution offenses to emphasize treatment over criminal prosecution. As amended, authorizes a pilot project in Alameda County, contingent upon local funding, whereby the District Attorney and community agencies would sponsor a training curriculum for advocates and case managers on the sexual exploitation of children. Provides that the Alameda County DA may establish what is essentially a diversion program for sexually exploited minors, defined as persons under 18 who are detained on prostitution and related sex offense charges. *In Senate Public Safety Committee.*

AB 1033 (Caballero, D. – Salinas). Inducing minor to join criminal gang. Amends Penal Code Section 272 (contributing to the delinquency of a minor) by making it a misdemeanor to cause, encourage or induce any minor to become an active participant in a criminal street gang as defined in Penal Code Section 186.22 (f). *Passed Assembly, in Sen. Public Safety Committee.*

AB 1290 (Mendoza, D. – Norwalk). Community Crime Prevention pilot programs. Establishes community crime prevention pilot programs in four Assembly Districts (including Mendoza’s 56th and three to be determined), with joint powers agencies (including police departments, school districts and municipal governments) to share resources and crime prevention strategies. Requires each joint powers agency to hire a coordinator and grant writer, the latter to seek funds for prevention and job training programs. No state appropriation. *In the Senate Public Safety Committee.*

AB 1405 (Maze, R. – Visalia). Access to confidential information in juvenile dual jurisdiction cases. In dual jurisdiction cases (concurrent dependency and delinquency jurisdiction), the bill authorizes “juvenile court assessment teams” (comprised of mental health, child welfare, probation and other agencies) to exchange information that might otherwise be confidential under state law, including minor’s admissions or confessions, social or mental health worker information and screening or evaluation results. Subjects assessment team members to criminal liability for unauthorized breaches of confidentiality of the information shared. *In Senate Judiciary Committee; double referred to Senate Public Safety Committee.*

AB 1823 (Beall, D.- San Jose). Juvenile Justice Coordinating Councils. Adds a county drug and alcohol program administrator to the list of representatives required for county Juvenile Justice Coordinating Councils that distribute Schiff-Cardenas Crime Prevention Act funds locally. *Passed Assembly, to Senate for committee assignment.*

AB 1864 (DeVore, R.- Irvine). Holding period for assets of former Division of Juvenile Justice inmates. Reduces the statutory period in which the Chief Deputy Director of DJJ must retain money or property belonging to a ward that has been paroled, discharged or has escaped from DJJ, from seven to three years. *In Assembly Appropriations Committee.*

AB 1875 (Huff, R. – Diamond Bar). Overconcentration of residential care facilities. Reintroduces previously failed bills to limit the number and proximity of residential care facilities (including children’s group homes) that can be sited in local communities. Re-defines “overconcentration”—which is a basis for denial of licensing—to include facilities that are located within 1,000 feet of one another rather than 300 feet under current law. Changes the provisions on notice that must be provided by social service licensing agencies to cities and counties when applications for new residential care facility licenses are filed, and makes licensing approval contingent upon actual receipt of the notice by the city or county. *In Assembly Human Services Committee.*

AB 2099 (Hancock, D.- Berkeley). DMV identification cards for juvenile and adult parolees. Requires CDCR to take steps to ensure that each juvenile or adult parolee, prior to release, obtains a California ID card issued by the Department of Motor Vehicles. *In Assembly Appropriations Com.*

AB 2125 (Price, D- Inglewood). Juvenile Justice Crime Prevention Act county plans. Adds, to the Juvenile Justice Plans that counties must submit to Corrections Standards Authority in order to receive Schiff-Cardenas Juvenile Justice Crime Prevention Act funds, a requirement that the plan include job-training strategies for at-risk youth and juvenile offenders. *In Assembly Judiciary Committee.*

AB 2252 (DeSaulnier, D. – Martinez). California Youth Policy Council. Establishes a California Youth Policy Council to “serve as a vehicle for all sectors of the community, including invited policymakers, across state systems, including education, health, human services, youth employment, juvenile justice and community services to think, plan and act in new, cross-sector ways for the benefit of youth”. Lists activities for the Council such as establishing new program standards and strengthening action alliances among organizations. Sets out broad criteria for membership with a requirement that at least 25% of council members shall be youth age 14-24. No appropriation. *In Assembly Human Services Committee.*

AB 2289 (Runner, R. – Lancaster). Restitution payments by Division of Juvenile Justice wards; DJJ parole hearings. Increases the amount of a ward’s earnings that may be removed from the ward’s

trust account by the DJJ Director to satisfy victim restitution orders. Enumerates new and expanded rights for victims in DJJ parole hearings, including new provisions for the release of offender information to victims and their designees and expanded rights of victims and their designees to appear and speak in parole hearings, including the right to be the last person to speak and the right to submit video or audio victim impact tapes to the Juvenile Parole Board. *Failed passage in Assembly Public Safety Committee 3/15, reconsideration granted.*

AB 2329 (Garcia, R.- Cathedral City). Vandalism. Spot bill making technical change to Penal Code Section 594, which sets out penalties for vandalism. *Not yet assigned.*

AB 2408 (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. *In Assembly Public Safety Committee.*

AB 2409 (Nava, D.- Santa Barbara). Opening sealed of juvenile court records in sex offense cases. Permits listed agencies and attorneys to obtain and use juvenile court records that have been sealed, pertaining to a sexually violent offense as defined in WIC Section 6600 (b), in civil commitment proceedings under sexually violent predator laws. Allows counsel, jurors and other persons authorized by the court to inspect those records in sexually violent predator commitment proceedings. Prohibits the destruction of juvenile court records of persons who were 14 or older when they committed a listed sexually violent offense. *In the Assembly Public Safety Committee; double referred to the Assembly Judiciary Committee.*

AB 2417 (Runner, R.- Lancaster). Safe Neighborhoods Act (Runner Initiative). Floats through the Assembly the massive Runner Initiative that is currently circulating for signatures to qualify for the November, 2008 general election ballot. This vast overhaul of California juvenile and criminal law expands civil and criminal penalties for gang-related offenses and adds sentence enhancements for a wide range of other crimes. It prohibits bail for nonresidents who are arrested for gang offenses, adds new gang registration requirements and eliminates good time credits for persons with life sentences. It earmarks more than \$500 million per year in perpetuity for listed law enforcement and victim service programs. In juvenile delinquency fitness proceedings, it creates a presumption that children 14 and older charged with certain gang offenses are unfit for treatment under the juvenile court law. It amends the Schiff Cardenas Juvenile Justice Crime Prevention Act by removing community based agencies from county Juvenile Justice Coordinating Councils. It amends the 2007 juvenile justice realignment reform law (SB 81) by making the appropriation of state Youthful Offender Block Grant Funds permanent while disallowing the allocation of these funds to any local agency other than the probation department. It contains other sentencing and criminal procedure provisions too numerous to summarize here. *In Assembly Public Safety Committee; double-referred to Assembly Judiciary Com..*

AB 2523 (Runner, R.- Lancaster). Luring minors from home. Existing law creates the crime of communicating or contacting a minor for the purposes of luring or transporting a minor away from home without parental consent, if the minor under 16 and the perpetrator is 21 or older. This bill extends the offense to cover any minor (up to age 18), eliminating the current requirement that the minor-victim be under age 16. *In the Assembly Appropriations Committee.*

AB 2525 (Galgani, D- Tracy). Division of Juvenile Justice intake questionnaires. Requires DJJ to add two questions to its intake questionnaire as follows: "Did you attend preschool?" and "If yes, for

how long?" Applies the same requirement to CDCR intake for adult prisoners. *In Assembly Appropriations Committee.*

AB 2562 (Fuller, R. – Bakersfield). Gang registration. Adds new felonies under the gang registration law at PC 186.33 for failures to register. Applies to juveniles through the Proposition 21 (year 2000) initiative which requires registration with the sheriff or chief of police as a gang criminal of any juvenile who is adjudicated for a listed gang offense or for "any crime that the court finds is gang related". *In Assembly Public Safety Committee.*

AB 2609 (Davis, D.- L.A.). Vandalism. Amends Penal Code Section 594 to require rather than permit the court to order that an adult or juvenile convicted or adjudicated for vandalism must cleanup, repair or replace damaged property or, alternatively, order that the defendant (and parents if the defendant is a minor) keep the damaged property or other property in the community free of graffiti for up to one year. *In Assembly Public Safety Committee.*

AB 2639 (Lieu, D.- Torrance). School safety plans. Amends existing Education Code provisions on school safety plans by requiring each school to submit to the school district or county education office, in addition to its safety plan, an annual report on the status of plan implementation. Requires school administrators to make safety plan copies widely available. Requires school districts and county education offices to notify the State Dept. of Education on local school compliance by each local school with its own school safety plan. *In the Assembly Education Committee.*

AB 2659 (Silva, R. – Huntington Beach). Juvenile sentencing. Spot bill making technical changes to Welfare and Institutions Code Section 727 which describes the dispositional options available to the Juvenile Court in WIC 601 (status offender) and 602 (delinquency) cases. *Not assigned.*

AB 2748 (Soto, D.- Pomona). Foster care rights. Adds, to the list of rights of children in foster care enumerated at Welfare and Institutions Code Section 16001.9, the right to "fair and reasonable access to the basic amenities of the foster home including, but not limited to, kitchen facilities, appliances, laundry machines, furniture, rooms and home electronics"; the right to be provided by the caregiver with "products and services that are necessary or appropriate to the child's cultural background, race or ethnicity, including but not limited to personal hygiene products, personal care products and dietary products; and the right to "be helped in learning about and preserving the child's culture and heritage". Requires the state Dept. of Social Services to adopt regulations consistent with all of the foster care rights enumerated in Section 16001.9. *To Assembly Human Service Committee.*

AB 2816 (Solorio, D. – Santa Ana). Vandalism- graffiti tools. Broadens the definition of criminal possession of graffiti instruments by deleting the present requirement in Penal Code Section 594.2 that a qualifying felt tip marker must have a tip that is least three-eighths of an inch wide. *In Assembly Public Safety Committee.*

AB 2809 (Leno, D.- San Francisco). Child crime victim eligibility for victim fund compensation. Spot bill declaring legislative intent to make minors who suffer emotional injury as a result of witnessing a violent crime eligible for compensation from the California Victim Compensation and Government Claims Board for mental health counseling. *Not yet assigned.*

AB 2907 (Swanson, D.- Oakland). Public-private partnerships to prevent juvenile recidivism. States the intent of the Legislature to create effective strategies to prevent juvenile offenders from re-

offending including public-private partnerships through county probation and education agencies to assist wards with re-entry from state and county operated youth facilities. *Not yet assigned.*

AB 2937 (Solario, D.- Santa Ana). Vandalism. Spot bill making a technical change to the vandalism section of the Penal Code, Sec. 594. *Not yet assigned.*

AB 3006 (Swanson, D.- Oakland). Office of Gang and Youth Violence Policy. Spot bill making technical and nonsubstantive changes to the 2007 legislation that established the new Office of Gang and Youth Violence Policy under the Governor's Office of Emergency Services. *Not yet assigned.*

SENATE BILLS

SB 119 (Cedillo, D. – L.A.). Drug Medical Services for youth age 12-20. Adds, to the list of services presently covered by Medi-cal, listed drug-alcohol treatment services for persons age 12-20 including residential treatment, family counseling, aftercare and case management. Requires the Dept. of Health Care Services to apply to the federal government for an amendment to the state plan to support federal payments for these additional services. *In Assembly Appropriations Committee.*

SB 265 (Romero, D. – L.A.). Division of Juvenile Facilities. Requires the CDCR Division of Juvenile Facilities to explore options to provide special programming outside of state-run facilities for high risk and high needs offenders and for female offenders. *From Assembly Floor to Assembly Inactive file.*

SB 1147 (Cedillo, D. – L.A.). Medi-Cal eligibility for juvenile offenders. Prohibits the Department of Health Care Services from terminating the Medi-Cal eligibility of a minor for the sole reason that the minor is incarcerated. For any juvenile committed to a detention facility (juvenile hall, camp or ranch) for a period of 30 days or longer, the bill requires the county welfare department to determine the juvenile's eligibility for Medi-Cal and, for eligible but not enrolled youth, requires the department to apply for coverage on the juvenile's behalf. Requires DHCS to coordinate with the Chief Probation Officers and County Welfare Directors Associations to establish protocols and procedures to implement these requirements, and requires DHCS to adopt implementing regulations. *In Senate Appropriations Committee.*

SB 1199 (Yee, D.- San Francisco). Juvenile Life Without Parole. Reintroduces last year's stalled bill by Sen. Yee to end the mandatory sentence of life without parole for juveniles who are convicted of murder with special circumstances committed while 16 or 17 years of age. SB 1199 would provide that the penalty for 16 and 17 year olds for murder with special circumstances would instead be confinement in state prison for 25 years to life, leaving open the possibility of parole. *In Senate Public Safety Committee.*

SB 1250 (Yee, D.- San Francisco). Family Communication and Youth Rehabilitation Act. Adds or amends code provisions affecting the rights of wards incarcerated in the state Division of Juvenile Facilities (DJF). Requires DJF to include copies of ward rights in orientation packets distributed to parents or guardians of wards, and requires copies of these rights to be posted in multi-lingual versions in DJF visiting areas and upon request to parents. Specifies that the minimum four family phone calls per month allowed under current law shall be allowed at no cost to the ward or the family, and that the ward may speak on the phone to family members in his or her native language. Requires DJF to encourage correspondence with family or clergy by providing paper, envelopes, pencils or other writing instruments and postage, and specifies that a ward may correspond with family, clergy or counsel in his or her native language. Adds, to current notice requirements for Parole Consideration

Hearings, a requirement that DJF must provide notice of the date and location of the hearing to parents, guardians or other persons identified by the ward and approved by the DJF as likely to contribute to the ward's preparation for the hearing or to the ward's post release success. Spells out specific notification options and procedures to be observed if a ward attempts suicide while confined in a DJF facility. *In the Senate Public Safety Committee.*

SB 1342 (Cogdill, R. – Fresno). Gang offense sentence enhancements. Amends Proposition 21 (Juvenile Crime Initiative, 2000) sentencing provisions by altering the sentencing enhancement for gang related felonies. Under current law the court must impose the middle enhancement term unless it finds circumstances in aggravation or mitigation; under this bill, the preference for the middle term is eliminated and the court is simply directed to state its reasons for choosing among the available enhancement terms. In addition, for persons who fail to register as gang offenders and who commit listed subsequent offenses, the preference for the middle term sentence enhancement is eliminated. *In Senate Public Safety Committee.*

SB 1470 (Lowenthal, D- Long Beach, and Yee, D.- S.F.). Homeless Youth Prevention and Assistance Act. Requires the state Dept. of Mental Health and the state Dept. of Housing and Community Development to adopt a "statewide strategic prevention and assistance plan for homeless youth, including supports for youth whose current living situations are unstable" in consultation with other listed state and local agencies and individuals. Defines homeless youth as those lacking a stable or permanent living situation, are unaccompanied by a responsible adult and are between 12 and 25 years of age. *In Senate Health Committee.*

SB 1515 (Kuehl, D.- Santa Monica). Restraints and seclusion in schools. Prohibits the use of chemical restraints or seclusion by educational providers as defined. Allows the use of behavioral restraints (mechanical or physical interventions) under tightly defined circumstances and conditions including notice to the pupil's parent or guardian and the school administration if such a behavioral restraint is used. Adds related training requirements for educational providers *In Senate Education Committee.*

SB 1545 (Romero, D.- L.A.). Juvenile Court schools. Requires the state Department of Education to adopt regulations to implement the requirement of existing law that school districts and county education offices must acknowledge credit for coursework satisfactorily completed by pupils attending a public school, juvenile court school or nonpublic and nonsectarian school. *In Senate Education Committee.*

SB 1638 (Alquist,, D.- Santa Clara). Juvenile Court schools. Permits a county Board of Supervisors to contract directly with a governing board of an elementary, high school or unified school district for the administration and operation of a juvenile court school. Under current law, the county board of education must be the contracting party that retains the school district to operate a juvenile court school. In order to contract directly with a school district to run a juvenile court school, under this bill the Board of Supervisors must first petition the state Board of Education for approval. *In Senate Education Committee.*