

COMMONWEAL
The Juvenile Justice Program
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FROM: David Steinhart, Director, Juvenile Justice Program
RE: OUTCOMES FOR JUVENILE JUSTICE BILLS IN 2006

Below are status reports on juvenile justice bills sent to the Governor during the 2006 session of the California Legislature. Also highlighted are FY06-07 budget outcomes for juvenile justice programs.

SIGNED INTO LAW BY THE GOVERNOR

AB 2923 (Calderon, D. – Montebello). Driver license penalties for graffiti offenses. Enhances penalties for listed graffiti offenses by increasing the court-ordered driver's license suspension period from one to two years, and by increasing the driver's license delay period for those without a license to from one to three years, with related hardship provisions. Chapter 434.

AB 3064 (Assembly Committee on Public Safety). Re-entry Advisory Committee within the Department of Corrections and Rehabilitation. Requires CDCR to establish a Re-entry Advisory Committee of criminal justice stakeholders to advise the Secretary of CDCR on "all matters related to the successful planning, implementation and outcomes of all re-entry programs and services provided by the Department". The measure is silent as to its possible application to wards of the Division of Juvenile Justice. Chapter 782.

SB 1469 (Cedillo, D.- L.A.) Medi-cal coverage for minors released from custody. Establishes new inter-agency procedures to facilitate enrollment in Medi-Cal for minors released from local juvenile justice facilities. As of 1/1/08 requires a "juvenile detention facility" to provide the county welfare department with information on the minor's status when a minor is committed to a term of 30 or more days in a county juvenile hall, camp or ranch. Then, requires the county welfare department to determine the minor's eligibility and to begin processing the Medi-Cal application. If the minor is not Medi-Cal eligible, the welfare department must assess the minor's eligibility for Healthy Families or other coverage. Chapter 657.

SB 1626 (Ashburn, R. - Bakersfield). Adjusted eligibility criteria for deferred entry of judgment. As introduced, this bill would have barred minors with listed sex offenses from eligibility for Deferred Entry of Judgment (the Proposition 21 program of supervision for first-time felonies that can result in dismissal of the charge). As sent to the Governor, the bill abandoned the exclusionary offense list and instead added a provision to WIC Sec. 790 that, prior to granting Deferred Entry of Judgment, the Juvenile Court must determine that the minor is eligible for and would benefit from Deferred Entry program. (Under current law, if the minor is otherwise eligible for DEJ, the prosecutor can enroll the minor in the program without such a finding by the Court). Chapter 675.

SB 1742 (Machado, D.- Stockton). Division of Juvenile Justice acceptance criteria. Revises WIC Sec. 736 "acceptance criteria" by requiring DJJ to determine that it has, in addition to adequate facilities, "adequate staff and programs" to care for a committed person. Requires the chiefs of DJJ and the state Department of Mental Health annually to "confer and establish policy with respect to the types of cases that should be the responsibility of each department". Also, eliminates archaic

language in this section that required the Youth Authority to accept wards who are “mentally deficient” or “sex deviates” or a “menace to public welfare”. *Chapter 257.*

VETOED BY THE GOVERNOR

AB 2004 (Yee, D- S.F.). Medi-Cal eligibility for incarcerated minors. Would require the state Department of Health services to suspend health care benefits under Medi-Cal for incarcerated minors, rather than terminate eligibility as provided by current law. Would further require the Department to ensure that a minor who is no longer an inmate of an institution has immediate access to health care services under Medi-Cal. **VETOED**- *the Governor said it would be too costly and complex to administer.*

SB 795 (Romero, D.- L.A.) Youth parole. Would require the state to contract with at least one county to house and serve all home-county DJJ parole violators in lieu of return to a DJJ institution. The bill was a setup for the re-opening of the Fouts Springs ranch program in Solano County as an alternative facility for DJJ parole violators. **VETOED**—*the Governor said it ties the state’s hands and he pointed in the Re-Entry Challenge Grants (see below) as a better alternative.*

SB 1288 (Cedillo, D.- L.A.) Drug & alcohol services for minors. Would add specified drug and alcohol services to the list of Medi-Cal funded services for persons aged 12-20. **VETOED** *by the Governor as too costly.*

SB 1373 (Romero, D- L.A.) DJJ “time adds” to sentence. Would declare reduction of “time adds” (sentence extensions) to be a “performance objective” of the Division of Juvenile Justice, and would require DJJ to make regular reports on time-adds to the Legislature. Time-adds for disciplinary and program reasons now account for one-third of all sentence time served by DJJ wards. The bill sent to the Governor was diluted, at DJJ’s request, from an earlier version that would have capped the aggregate time added to sentences at DJJ at an average of one month per ward per year. Even as diluted, the bill was **VETOED** *by the Governor who said that time-add reduction was a random performance objective that failed to focus on program success at DJJ.*

SB 1589 (Romero, D.- L.A.) Girls in the Div. Juvenile Justice. Would require the Division of Juvenile Justice to explore new facility options (including contract-care facilities “supervised” by DJJ) for the few (about 135) females remaining in the Ventura facility. **VETOED** *by the Gov. on the basis that DJJ is already taking steps to move girls in the Ventura facility to contract care.*

SB 1616 (Kuehl, D.- Santa Monica.). Medi-Cal services for incarcerated minors with disabilities. Would require the Division of Juvenile Justice to determine whether a ward with a disability is likely to be eligible for Medi-Cal upon release and, not less than 90 days prior to release, to initiate the ward’s application with the welfare department in the county of release. Would further require the county welfare department to process the Medi-Cal application. Also, would require DJJ to make specified efforts to obtain federal SSI and SSDI benefits for incarcerated wards with disabilities. **VETOED** *by the Governor who said: “I am unable to sign Senate Bill 1616 as it may result in costly, duplicative administrative activities, and as crafted, it likely cannot be properly implemented.” The Governor cited his signature on SB 1469 (above) as a positive alternative.*

SELECTED BUDGET AND APPROPRIATIONS MEASURES

Division of Juvenile Justice: Farrell compliance. The FY 06-07 Budget Act (AB 1805) and related trailer bills add approximately \$90 million to the DJJ budget to support the costs of remedial plans accepted by the parties in the *Farrell v. Hickman* case. The funds will pay for approximately 1,000 new DJJ positions to upgrade health and mental health care, education and other programs and institutional changes specified in the Safety and Welfare Plan submitted to the *Farrell* Court in 2006.

Juvenile Justice Re-Entry Challenge Grants. \$10 million has been appropriated this year for a new “Juvenile Justice Community Re-Entry Challenge Grant” program. The program will support re-entry services for youth released on parole from the state Division of Juvenile Justice and for juveniles who are transitioning back to the community from other out-of-home placements. Counties and nonprofits may apply for three year grants to provide a range of listed aftercare services to these youth. DJJ is to select grantees based on a competitive grant process. If all goes according to plan, another \$10 million will be appropriated in each of the next two budget cycles to support these programs. The Re-Entry Challenge Grant was pushed in the Legislature by Senator Mike Machado (D.- Stockton) who chairs the Senate subcommittee that oversees the DJJ budget (Budget Subcommittee # 4), and the provisions establishing the grant program and its funding criteria can be found in budget trailer bill AB 1806 (at Section 35), Chapter 69.

Mentally Ill Offender Crime Reduction Grants—Juvenile Justice share. The Legislature and the Governor have restored the Mentally Ill Offender Crime Reduction (MIOCR) grant program — started in 1998 but suspended in 2001 to reduce state costs in deficit years. The original program served adults only, but as reinstated the \$45 million grant total for 06/07 will be divided with half for adults and half for juveniles (\$22.3 million each). In August, the Corrections Standards Authority issued RFPs for county grants that will be awarded on a competitive basis in December 2006. The eligible youth service population includes juveniles who have crossed justice system thresholds (detention or delinquency petition) and who meet the criteria of WIC Sec. 5600.3 for a diagnosed mental disorder. The enabling legislation is AB 1811 (Section 28), Chapter 49. For additional information see the Corrections Standards Authority website at www.csa.ca.gov.

Schiff Cardenas Juvenile Justice Crime Prevention Act. The JJCPA, which supports youth crime prevention programs in all 58 counties, was refunded in FY 06-07 at \$119 million—an increase of 20 percent over the average amount appropriated for each of the last five years. The JJCPA supports a wide range of local youth programs including mental health services, school-based programs, day and evening treatment, specialized programs for female juvenile offenders and other programs selected by local Juvenile Justice Coordinating Councils. For more information, see the Corrections Standards Authority website at www.csa.ca.gov.

Juvenile Probation and /camp funds. Again this year, the Legislature appropriated \$ 202 million in state general funds to local probation departments. Of this amount, about \$168 million goes to counties for probation services for the juvenile offender caseload, while about \$33 million represents a continuing state subsidy to support county probation camps. In 2005, these state general funds replaced a like amount of federal TANF dollars that were previously earmarked for probation services. The code language defining permissible uses of these funds is at Welfare and Institutions Code Section 18220 et. seq. (“Comprehensive Youth Services Act”) and the funds are administered by the Corrections Standards Authority.