

COMMONWEAL
The Juvenile Justice Program

NEW JUVENILE JUSTICE BILLS

Introduced in the 2010 session of the California Legislature

February 24, 2010

Listed below are selected juvenile justice and other bills-of-interest that have been introduced in 2010, in the second year of the current two-year session. The deadline for introducing new bills was February 19. For full bill text, go to the California legislative website at www.leginfo.ca.gov.

Assembly bills

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. *To the Assembly Human Services 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. *To the Assembly Education Committee.*

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 2114 (Galgani, D. – Tracy). Same as AB 2547, see below.

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 Human Services 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. *Not yet assigned.*

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. *Not yet assigned to committee.*

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. *Not yet assigned.*

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. *Not yet assigned.*

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 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”. *Not yet assigned to 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. *Not yet assigned to 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. *Not yet assigned.*

Senate bills

SB 1067 (Oropeza, D. – Long Beach). Juvenile justice recidivism. Requires the Division of Juvenile Justice to track recidivism rates of youthful offenders under its jurisdiction and to report this information annually to the Legislature. 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. Spot bill stating intent to enact legislation ensuring that adequate health services are provided to children in county detention facilities by allowing Medi-Cal reimbursements to continue for children during their detention and while awaiting adjudication by the court. *Not yet assigned.*

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. *Not yet assigned.*

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 (1) prohibited from opening an account on, or otherwise participating in, an Internet-based social network, and (2) required to notify the Department of Justice of any or all of his or her online addresses, as specified. 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. *Not yet assigned.*

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 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 to provide for minimal disruptions or school transfers upon changes in placement. *Not yet assigned to 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 Public Safety Committee.*

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 Senate Public Safety Committee.*