

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

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**JUVENILE JUSTICE AND  
YOUTH VIOLENCE PREVENTION BILLS**

**STATUS REPORT FOR THE 2011 CALIFORNIA LEGISLATIVE  
SESSION— BILLS SIGNED OR VETOED BY THE GOVERNOR**

**November 1, 2011**

This bulletin contains digests and final status (Governor's signature or veto) of selected bills in the 2011 session California Legislature on the subjects of juvenile justice, youth crime and violence prevention and related youth program and placement issues. 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 9 (Ammiano, D. – S.F.). Bullying.** Requires school district anti-discrimination policies to prohibit discrimination, intimidation and harassment and bullying based on the actual or perceived characteristics of others including disability, gender, sexual orientation, race or ethnicity, religion and other characteristics. Requires the policy to include a statement that it applies to all acts related to school activities or attendance. Requires school districts to modify their complaint and investigation process to conform to the new scope of the policy and to provide for additional interventions and procedures. Provisions in the bill to become operative on July 1, 2012. *Signed into law on 10/9, Stats. 2011, Chapter 723.*

**AB 12 (Swanson, D. – Oakland). Penalties for sex crimes involving minors under age 16.** Requires any person convicted of procuring or seeking to procure prostitution services from a person under age 18 to pay, in addition to any other fine or penalty, an additional fine of up to \$25,000, the proceeds to be used to fund programs and services for commercially sexually exploited minors. *Signed into law, Stats. of 2011, Chapter 75.*

**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. *Signed into law on 3/24, Stats. 2011 Chapter 4.*

**AB 100 (Assembly Budget Committee). Mental Health Services Act Fund Redirection.** Redirects \$860 million in Proposition 63 MHSAs 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 MHSAs funds would be for the FY 2011-12 year only, sunset 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. *Signed into law on 3/24, Stats. 2011 Chapter 5.*

**AB 109 (Assembly Budget Committee). Corrections Budget Trailer Bill—Corrections Realignment.** 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). 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. *Signed into law on 4/4, Stats. 2011 Chapter 15. Several of the bill's adult and juvenile realignment provisions have been modified or superseded by subsequent budget trailer bills—see, e.g., SB 92.*

**AB 131 (Cedillo, D. –L.A.). California Dream Act (financial aid for undocumented students).** Provides that undocumented students who meet specified state residency requirements are exempt from having to pay non-resident fees for California State University and Community College schools shall be eligible to apply for and participate in all student aid programs administered by the state and permitted by federal law. For the University of California only, takes effect only upon approval by resolution of the UC Board of Regents. Makes these undocumented students also eligible for fee waivers under regulations adopted by the Boards of community colleges. *Signed into law, Stats. 2011, Chapter 604.*

**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 into 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 Sec. 601 or 602 and if the court finds “the presence of significant factors for gang involvement on the part of the minor”. *Signed into law, Stats. 2011, Chapter 258.*

**AB 194 (Beall, D. – San Jose). Higher education admission preferences for foster youth.** Requires the California State University system and community college districts, and requests the University of California, to grant priority for enrollment to foster youth or former foster youth as defined. Preferences sunset on January 2017. *Signed into law, Stats. 2011, Chapter 458.*

**AB 212 (Beall, D. – San Jose). Fostering Connections to Success Act amendments (extending foster and related benefits to age 21).** Major cleanup and implementation bill for last year's AB 12 which extended foster care and Kin-Gap benefits to transition age foster youth between the ages of 18 and 21. Among other changes, spells out terms for continuing benefits to probation-placed youth. *Signed into law, Stats. 2011, Chapter 459.*

**AB 220 (Solorio, D. – Santa Ana). Office of Gang and Youth Violence Policy.** Significantly amended on 6/28 to extend the Interstate Compact on Juveniles in California to 2014. Former provisions relating to the role of the Office of Gang and Youth Violence Policy in streamlining gang and youth violence grant programs were removed as the Office was eliminated in budget trailer bills this year. *Signed into law, Stats. 2011 Chapter 356.*

**AB 396 (Mitchell, D-L.A.). Medi-Cal services for detained juveniles.** . Provides that a juvenile detainee who becomes an inpatient in a medical institution shall not be denied Medi-Cal eligibility because of his or her detainee status. Requires the Department of Health Care Services to develop processes to allow counties and the state Division of Juvenile Justice (DJJ) to receive available federal health care benefits for juvenile detainees who become inpatients to a medical institution. Provides that counties may opt-into the process developed. Provides that the process shall only be implemented to the extent that participating counties or DJJ agree to pay the non-federal share of Medi-Cal expenditures for juveniles covered by the bill. *Signed into law, Stats. 2011, Chapter 394.*

**AB 446 (Carter, D. – Rialto). Balanced and restorative justice programs.** A reintroduction of the restorative justice bill twice vetoed previously. 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 (WIC 725), minors on deferred entry of judgment (WIC 790) and as a delinquency disposition option for the court under WIC 727. *VETOED. The Governor's veto message says that “the courts already have the authority to create such programs... Given current budgetary constraints, the decision to adopt this kind of program is better left to the sound discretion of judges.”*

**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 disease immunization records, otherwise required for admission, are unavailable or missing. *Signed into law, Stats. 2011, Chapter 575.*

**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 Ed. Code as bullying. *Signed into law, Stats. 2011, Chapter 746.*

**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 the person attains the age of 25 or is no longer homeless. *Signed into law, Stats. 2011, Chapter 466.*

**AB 1122 (John Perez, D. – L.A. and Ammiano, D. – S.F.). California voluntary tattoo removal program.** Establishes the California Voluntary Tattoo Removal Program to be administered by CalEMA. The program is to serve individuals aged 14 through 24 who have gang-related tattoos that may interfere with school or employment opportunities and who are recommended for tattoo removal by CDCR, the county probation department or a community-based service provider. To be implemented only to the extent that federal funds are available. *Signed into law, Stats. 2011, Chapter 661.*

**AB 1156 (Eng, D.- Monterey Park). Bullying.** Provides that a pupil who has been a victim of bullying in a school district shall have priority for inter-district transfer to another school under specific terms defined in the bill. Expands the definition of bullying at Ed. Code Sec. 48900 (r) as grounds for pupil suspension or expulsion to include elements of physical and verbal abuse including electronic communications. Contingent upon funding, requires the state Departments of Justice and Education to contract for training of school personnel on bullying prevention. *Signed into law, Stats. 2011, Ch. 732.*

## **Senate bills**

**SB 92 (Senate Budget and Fiscal Review Committee). Corrections budget trailer bill- replacement of the Corrections Standards Authority.** Among many other provisions, abolishes the Corrections Standards Authority and replaces it with the Board of State and Community Corrections, outside CDCR. The mission of the Board is to provide statewide leadership and coordination for state/local partnerships in the adult and juvenile justice systems, including addressing gang problems, with a focus on developing evidence-based practices. A new 12 member Board is chaired by the Secretary of CDCR with the head of CDCR parole; two sheriffs and one police chief; two probation chiefs; one judge; one county supervisor or CAO; and three community and public members. The bill mandates the Board, among other things, to develop recommendations for crime prevention, provide technical assistance for evidence-based programs and coordinate gang violence programs. All prior CSA functions not changed by the bill are moved to the new Board. The bill contains numerous other corrections provisions related to adult corrections, peace officer training and the office of the Inspector General. It incorporates the Administration's decision not to realign the remaining DJJ population this year, while providing that if revenue targets stated in the Budget Bill are not met, counties will have to pay DJJ \$125,000 per ward per year for committed juveniles. Eliminates the California Council on Criminal Justice and the Governor's Office of Gang and Youth Violence Prevention. *Signed into law, Stats 2011, Ch. 36.*

**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. *VETOED by the Governor with the following message: "While I appreciate the value of wearing a ski helmet, I am concerned about the continuing and seemingly inexorable transfer of authority from parents to the state. Not every human problem deserves a law."*

**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. *VETOED by the Governor with this message: "Prosecutors believe that this bill will increase meritless litigation in our courts which are already laboring under severe cut backs. I agree."*

**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 public school, a juvenile court school or a nonpublic, nonsectarian school and to issue full or partial credit for the work he or she has completed. Prohibits the public school from requiring the pupil to retake a portion of a course which he or she has completed and limits the conditions under which a pupil would be required to retake courses that were not completed. Prohibits foster youth from being prevented from taking or retaking a course to qualify for admission for California State University or the University of California. *Signed into law, Stats. 2011, Chapter 472.*

**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 and state administrative costs. Benefits would be suspended if, upon adjudication, the individual becomes an inmate of a public institution. 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. A late amendment sunsets the bill in January 2014 unless extended. *Signed into law, Stats. 2011, Chapter 647.*

**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. As amended, the bill would allow the probation officer to authorize a medical exam for a minor in temporary custody. Also, during the period of temporary custody (prior to a detention hearing), allows the probation officer to authorize medical treatment recommended by the examining physician after documented, reasonable efforts to obtain parental consent. After the detention hearing, the court must approve non-emergency medical treatment for a detained minor; however, the bill expands the definition of emergency treatment to allow the probation officer to authorize medical treatment meeting emergency criteria in the bill after reasonable efforts to notify parents and obtain their consent. Permits certain minors to provide their own consent or refusal for treatment based on consent provisions in the Family Code. *Signed into law, Stats. 2011, Chapter 256.*

*Bill digests by David Steinhart, Director, Commonweal Juvenile Justice Program*

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