

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

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**JUVENILE JUSTICE AND YOUTH  
CRIME & VIOLENCE PREVENTION BILLS**  
**Pending in the 2012 Session of the California Legislature**

**March 15, 2012**

This bulletin contains digests of bills pending in the 2012 session California Legislature on the subjects of juvenile justice, youth crime and violence prevention and related youth program and placement issues. This digest includes two year bills that are still active in the second year of the two year session, as well as bills newly introduced this year. Amendments and status reports are current to March 12. The deadline for introduction of new bills in 2012 was February 24. The deadlines for newly introduced bills to be heard and to pass the policy committees in their house of origin are April 27 (fiscal bills) and May 11 (non fiscal bills). 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 324 (Buchanan, D.- San Ramon). Sex offender eligibility for commitment to the Division of Juvenile Justice (DJJ).*** Amended in 2012 into a bill that overcomes the 2011 California Supreme Court ruling in *In re. C. H.*, holding that due to statutory drafting flaws, juvenile sex offenders lacking a WIC 707 (b) (adult court) adjudicated offense are not eligible for commitment to the Division of Juvenile Justice. This bill revises the DJJ realignment law adopted in 2007 (SB 81) to clarify the authority of the Juvenile Court to commit a juvenile to DJJ on a non-707 sex offense for which registration is required under Penal Code Section 290.008. The bill also permits counties to contract with DJJ to continue to house committed sex offenders in DJJ facilities, in essence making the bill retroactive for juvenile sex offenders who were inmates at DJJ during the brief period in which the Supreme Court's ruling was in effect. *Signed into law, Stats of 2012, Chapter 7.*

***AB 526 (Dickinson, D. - Sacramento). Board of State and Community Corrections.*** Adds mandates for the new Board of State and Community Corrections (BSCC) which replaces the Corrections Standards Authority (CSA) effective July 1, 2012. Requires the new BSCC to identify delinquency and gang prevention grants having similar purposes and target populations for the purpose of consolidating these grant programs and adopting a single grant application process. Requires BSCC to develop a plan to "ensure that within three years no less than 85 percent of state gang intervention and prevention funding is used in juvenile justice programs that utilize evidence-based practices". Requires BSCC to develop "incentives for units of local government to develop comprehensive regional partnerships whereby adjacent jurisdictions pool grant funds in order to

deliver services to a broader target population and maximize the impact of state funds”. *In the Senate Public Safety Committee.*

**AB 1072 (Fuentes, D. – L.A.) Promise Neighborhoods.** The federal Promise Neighborhoods Initiative is an Obama Administration program that has provided funds through the U.S. Dept. of Education to 21 low-income communities across the nation to support a range of community development activities. This bill would implement a California version of the Promise Neighborhoods Initiative. It requires the California Office of Economic Development develop an application process for sites to become promise neighborhoods. Requires the Office to establish 40 Promise Neighborhoods in California, including three that already participate in the federal initiative (Hayward, Pacoima and Pico-Aliso). Requires the Office to work with diverse agencies to identify grant opportunities and to access the federal tax credits for promise neighborhoods. Specifies criteria for non-profit organizations to receive grants based on low high school graduation rates combined with high poverty and unemployment rates. As amended June 21, establishes funding priority for schools and school districts in promise neighborhoods for funding under the After School Education and Safety Act (ASESA), the California Partnership Academies program, School Improvement Grants, and other listed education grant programs. Also establishes funding priority for cities and counties in promise neighborhoods for a range of employment grants and other programs identified by the Office, including priority for state funding for new parks and recreation activities. *In the Senate Appropriations Committee.*

**AB 1709 (Mitchell, D. – L.A.). Jury trials for juveniles in “strike” cases.** Provides that if a juvenile over 16 is charged with an offense that would constitute a future felony conviction under the Three Strikes law, he or she is entitled to a trial by jury in the Juvenile Court. The jury is to hear evidence and adjudicate the case in accordance with the procedures and timelines that currently govern court-adjudicated cases. If the jury finds that the minor comes under the jurisdiction of the Juvenile Court under Section 602, the case then proceeds to disposition by the Court under existing provisions of the Welfare and Institutions Code. *New bill in 2012, to the Assembly Public Safety Committee.*

**AB 1729 (Ammiano, D.- S.F.). School suspension and expulsion.** States intent to address inappropriate or unnecessary suspensions and expulsions of pupils of color, pupils with disabilities, pupils based on sexual orientation and other vulnerable populations. For pupils with exceptional needs and school behavior problems, sets up an intermediary process for IEP team evaluation of the pupil and consideration of assessments and services in lieu of suspension or expulsion. Expands and re-defines the list of alternative and other means of correcting behavior problems prior to suspension, and requires that such efforts be documented prior to suspension. *New in 2012, to the Assembly Education Committee.*

**AB 1849 (Carter, D. – Rialto). Balanced and restorative justice programs.** A reintroduction of the balanced and restorative justice (BARJ) bills that were thrice vetoed in 2009, 2010 and 2011. Last year’s bill (AB 114) would have permitted a county to establish a restorative justice program under protocols developed by the prosecutor, public defender, Juvenile Court and other justice system agencies, to accept referrals of qualifying cases from the Juvenile Court. The bill was vetoed on the basis that a county could already do this without legislation. The new bill, AB 1849, would allow a

Juvenile Court to adopt a restorative justice program under a multi-agency protocol, as in the prior-year (vetoed) bill. In a new twist, SB 1849 requires that a minor be referred to a restorative justice program by the Court where the Court's order is based on WIC 654 informal probation, WIC 725 nonward probation or WIC 709 Deferred Entry of Judgment, unless the Court determines that such a referral is not in the minor's best interest. Referrals to a restorative justice program are disallowed for WIC 707 (serious/violent) and listed sex and gang offenses. The bill also requires that a minor referred to a restorative justice program must "accept responsibility for the offense and...agree to cooperate with the restorative justice process". The Administrative Office of the Court (AOC) is directed to establish SB 1849 restorative justice programs in five pilot counties and to track listed program outcomes. *New bill in 2012, to the Assembly Public Safety Committee.*

***AB 1856 (Ammiano, D.- S.F.). Foster care training requirements.*** Adds new training requirements for licensed foster care and group home providers in California, to include "instruction on cultural competency and sensitivity relating to, and best practices for, providing adequate care to lesbian, gay, bisexual, and transgender youth in out-of-home care." Adds to the foster care bill of rights (WIC Section 61000.9) the right to have caregivers who have received this additional training. *New in 2012, to the Assembly Human Services Committee.*

***AB 1880 (Lara, D. – South Gate). School safety plans and dating abuse.*** Adds expanded definitions of "dating abuse" and "dating partners" to the school safety plan provisions of the Education Code. Requires school safety plans, upon review and updating, to incorporate provisions on the prohibition and prevention of dating abuse as defined in middle and high schools (grades 6-12). *New in 2012, to the Assembly Education Committee.*

***AB 1956 (Portantino, D. - Pasadena). DJJ Tattoo removal program.*** Amends existing WIC Section 1915-16 provisions setting up a tattoo removal program operated by the Division of Juvenile Justice. AB 1956 widens the eligibility for tattoo removal services under the program—presently limited to at-risk youth, ex-offenders, ex-convicts, and current or former gang members—by adding "victims of sex trafficking and prostitution". *New in 2012, to the Assembly Public Safety Committee.*

***AB 2031 (Fuentes, D. - Los Angeles). Board of State and Community Corrections, local Community Corrections Partnerships.*** Adds two members to the 12 member Board of State and Community Corrections (BSCC) which replaces the Corrections Standards Authority (CSA) in July, 2012. The bill adds a rank and file deputy sheriff and a rank and file probation officer, restoring union representatives that were trimmed out of the 19 member CSA Board by the BSCC enabling legislation (SB 92). Also, adds these same two positions to local Community Corrections Partnerships that are planning and implementing adult corrections realignment reforms. *New in 2012, to the Assembly Public Safety Committee.*

***AB 2040 (Swanson, D. – Oakland). Sealing juvenile records of prostitution offenses, pleas in prostitution cases.*** Amends the records sealing provisions of the Juvenile Court law by allowing a minor who was adjudicated for a listed prostitution offense, upon reaching the age of 18, to petition the Court to have his or her record sealed without also having to show that there has been no subsequent conviction for a felony or for a misdemeanor involving moral turpitude. Also, permits an

adult defendant or a minor being prosecuted in adult court for a listed prostitution offense to petition the Court to withdraw a former plea and enter a plea of not guilty, or to have a guilty verdict set aside—a request which the Court may grant in its discretion upon a showing that the violation resulted from the petitioner having been a victim of human trafficking. *New in 2012, to the Assembly Public Safety Committee.*

**AB 2101 (Achadjian, R. – San Luis Obispo). Juvenile Training Camp in San Luis Obispo County.** Establishes a Juvenile Rehabilitation Training Camp Pilot program in San Luis Obispo County. Any minor adjudicated for any felony or misdemeanor under WIC Section 602 may be placed by order of the Juvenile Court in this camp program. The camp is to be “licensed and funded” as a group home to the “extent permitted by federal law and the California Constitution”. The camp must include an emphasis on “academics, physical fitness and transforming the criminal mindset”. The camp must have been “previously licensed as a group home in San Luis Obispo County” and must comply with group home regulations with listed exceptions including exemption from fingerprinting and criminal history checks on certain staff, open dorms and specific allowance to use an existing military base for the camp. Includes limits on use of physical and chemical force except in emergency situations. *New in 2012; double-referred to the Assembly Committees on Public Safety and Human Services.*

**AB 2125 (Alejo, D. – Salinas, and Dickinson, D. - Sacramento). School data on suspensions and expulsions.** Modifies the Classroom Accountability initiative to require that suspension and expulsion data mandated by the initiative be disaggregated by race, ethnicity, gender and other factors. Requires data on referrals to school attendance review boards to be disaggregated by race, ethnicity, gender and other factors. Makes other changes in code provisions on the collection and reporting of data on suspensions and expulsions by race, ethnicity, gender and other factors. *New in 2012, to the Assembly Education Committee.*

**AB 2241 (Dickinson, D.- Sacramento). Transitioning Youth for Success Program.** Establishes a process and priority for the allocation of federal “No Child Left Behind” funds for services to support the transition of institutionalized youth from juvenile court schools to schooling or employment in the community. Describes multiple services and strategies for which transition funds may be used including, e.g., after school programs, gang abatement, violence reduction, community services and independent living. Establishes a process for local school districts and county offices of education to apply for transition funds and sets out detailed program requirements for applicants. Requires individual transition plans for each eligible youth. Requires the state Superintendent of Public Instruction, in coordination with the Board of (State and Community) Corrections and county education offices, to track the performance and outcomes for youth served by the program. *New in 2012, not yet assigned to committee.*

**AB 2242 (Dickinson, D. – Sacramento). School suspension and expulsion.** Substitutes more restrictive criteria for suspension or expulsion of a pupil on the basis of disruptive behavior, by requiring that the behavior be severe or pervasive behavior reasonably likely to create substantial disorder. Provides, for lesser forms of disruption or defiance of school authorities, the sanction of in-school suspension in a supervised suspension classroom in lieu of off-campus suspension or expulsion. *New in 2012, to the Assembly Education Committee.*

**AB 2530 (Atkins, D. – San Diego). Local corrections facility standards.** Spot bill making a technical, nonsubstantive amendment to Penal Code Sec. 1630 requiring the Board of State and Community Corrections to adopt minimum standards for local corrections facilities. *Not assigned.*

## 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 15 years of an LWOP sentence, 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 20 and (for the last time) 24 years. Other procedural details are in the bill which has retroactive application. Narrowly defeated in an Assembly floor vote last year, the bill is up again for a reconsideration floor vote in 2012. *On the Assembly floor for re-vote.*

**SB 57 (Runner, R. - Lancaster ). Sex offender registration requirements on internet use.** Effective January 2013, requires any person subject to Penal Code sex offender registration requirements, including certain parolees of the Division of Juvenile Justice, to inform law enforcement of on-line addresses, e-mail and user names for all existing and new social networking internet accounts as defined. Provides for sharing of this information between law enforcement agencies. *In the Assembly Appropriation Committee.*

**SB 119 (Lowenthal, D. – Long Beach). Emergency youth shelter facilities.** Adds to the list of licensed community care facilities in the Health & Safety Code (Sec. 1503) a new category of "emergency youth shelter facility" defined as a "group care facility that provides voluntary temporary emergency shelter and case management to minors". These facilities are to serve youth between the ages of 12 and 18 who are homeless or at risk of homelessness, including foster youth. Requires the state Dept. of Social Services to adopt standards and licensing criteria for emergency youth shelters by Jan. 2013. *In the Assembly Appropriations Committee.*

**SB 661 (Lieu, D. – Redondo Beach). ~~Firearm restrictions near schools.~~** Gutted and amended in January 2012 into a bill that imposes limits on picketing at funerals. Will be removed from our future juvenile justice bill reports.

**SB 988 (Liu, D.- Pasadena). Competency standards for counsel in delinquency proceedings.** Lists minimum competency criteria for attorneys representing juveniles in WIC 601 (status offense) and 602 (delinquency) proceedings. Requires an attorney who represents a minor in such a case to be a member in good standing of the state bar and to demonstrate forensic skills and knowledge related to the purposes and proceedings in WIC 601 and 602 cases. In addition, prior to appointment as counsel in a 601 or 602 proceeding, the attorney must have completed eight hours of training on wardship proceedings. The bill requires the eight training hours to be renewed every three years, to include training on child development, abuse and neglect, substance abuse, domestic violence, and family reunification. SB 988 sets out other requirements for attorney representation in 601/602 cases

including: counsel must meet regularly with the client; counsel must contact social workers, probation officers and other professionals associated with the case; counsel must meet with other counsel to seek resolution of issues in the case; and counsel must adhere to mandated timelines. *New in 2012, to the Senate Public Safety Committee.*

***SB 1048 (Liu, D. – Pasadena). Service providers as parties in juvenile proceedings.*** Under current law the Juvenile Court may join in a juvenile dependency or delinquency proceeding any agency that has failed, in the Court's determination, to meet a legal obligation to provide services to the minor. This bill expands the joinder provision in WIC 601/602 cases by specifying that private agencies are included in the scope of the Court's authority to join an agency, and by making it clear that the authority to join the agency applies at any stage of the proceeding from the time a 601 or 602 petition has been filed. Exempts cases under the jurisdiction of the state Division of Juvenile Justice. Restates similar provisions for dependency proceedings. *New in 2012, to the Senate Public Safety Committee.*

***SB 1088 (Pavley, D. – Agoura Hills). Readmission of juvenile justice and expelled youth to public schools.*** Provides that a pupil shall not be denied enrollment or readmission to a public school solely on the basis of having had contact with the juvenile justice system; defines contacts to include arrest, adjudication, probation supervision and detention. Provides that a school governing board that denies re-admission to an expelled pupil must re-evaluate the pupil for admission no later than the last day of the semester following the semester for which re-admission was denied. *New in 2012, to the Senate Education Committee.*

***SB1089 (Liu, D.- Pasadena). Bootcamps and other placements for delinquent and at-risk youth.*** Expands the definition of a "community care facility" in the Health & Safety Code to include residential facilities for "delinquent or at-risk youth", and adds to the description of "residential facilities" (a subclass of community care facilities) a "boot camp, ranch camp or forestry camp" other than those operated by a county or by the state Division of Juvenile Facilities. The effect would be to require unlicensed private boot camps or other unlicensed residential private facilities for at-risk youth to be licensed and regulated under the community care licensing and regulatory provisions of the Health and Safety and Welfare and Institutions Codes. *New in 2012, To the Senate Public Safety Committee.*

***SB 1098 (La Malfa, R. - Butte). CDCR classification information on forestry camp inmates and wards.*** Requires CDCR to furnish all inmate and ward classification score documents to Department of Forestry and Fire Protection personnel stationed at the forestry camp in which the inmate or ward is placed. *To the Senate Public Safety Committee.*

***SB 1124 (Canella, R. – Ceres). Inmate payment of the cost of imprisonment.*** Under current law a Court committing a defendant to state prison may require the defendant to disclose assets and may determine that the defendant has the ability to pay the costs of his or her state imprisonment. If the Court determines that the defendant has the ability to pay all or part of these costs, the Court must order the defendant to pay CDCR on a schedule established by the Court. This bill would require (rather than allow) the Court to assess each defendant's ability to pay the costs of state imprisonment, thus exposing each defendant to Court ordered reimbursement of CDCR prison costs

as described in the bill. Would apply to juveniles convicted in adult criminal courts. *New in 2012, to the Senate Public Safety Committee.*

**SB 1307 (Runner, R. – Lancaster). Gang registration provisions.** Under the gang registration provisions of Proposition 21 (Juvenile Crime Initiative adopted by voters in 2000), an adult convicted of listed gang offenses, or a juvenile adjudicated for those offenses, must register with the chief of police or the sheriff within 10 days of release from custody or arrival in any city or county in order to reside there. Registration must include a personal visit to the law enforcement office, fingerprinting and photographing and supplying all information required at the time by the law enforcement agency. This bill would expand the gang registration law by requiring that the offender must register again each year or upon any change in residence. *New in 2012, to the Senate Public Safety Committee.*

**SB 1363 (Yee, D. – S.F.). Juvenile solitary confinement.** Places new statutory limits on solitary confinement of juveniles who are detained in or sentenced to any juvenile facility, jail or other state or local secure facility. Defines solitary confinement as the holding of a person in isolation from other persons (excluding facility staff or attorneys) for 16 or more hours per day. Permits solitary confinement only if the minor or ward poses an immediate and substantial risk of harm to others or to the security of the facility, and all other less-restrictive options have been exhausted. If placed in solitary confinement under these restrictions, the bill sets out criteria and conditions for solitary confinement. Bans any solitary confinement for wards exhibiting suicidal behavior or self-harm. Bans any solitary confinement 60 days prior to release from a county secure facility or group home or 150 days prior to release from the Division of Juvenile Justice. *New in 2012, to the Senate Public Safety Committee.*

**SB 1568 (DeSaulnier, D. – Concord). School placements for former foster youth.** Current law sets out the criteria for permitting a foster child (including a probation foster child under the Court's delinquency jurisdiction) to continue to attend his or her school of origin upon replacement or termination of jurisdiction. SB 1568 expands these provisions by providing that a former foster child, upon termination of court jurisdiction, may continue to attend his or her school of origin through the end of the highest grade maintained at that school. *New in 2012, to the Senate Education Committee.*

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