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JUVENILE JUSTICE AND YOUTH PROGRAM BILLS IN THE 2009 SESSION OF THE CALIFORNIA LEGISLATURE

(Updated to October 16, 2009 – Final First Year Results)

by **David Steinhart**

This bulletin provides digests and status reports of bills introduced in the 2009 (first-year) 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. It includes all relevant bills signed or vetoed by the Governor as of the signing deadline of October 11, 2009. Bills chaptered into law are preceded by a checkmark (☑).

ASSEMBLY BILLS

AB 12 (Beall, D. – San Jose and Bass, D. – L.A.). Extended foster care benefits to age 21. Conforms California law to qualify for U.S. funds under the federal Fostering Connections to Success and Increasing Adoptions Act of 2008, which provides extended foster care benefits to qualified youth beyond age 18. Creates a new jurisdictional category in California for “nonminor dependents” who remain eligible to receive listed benefits until age 21. Benefits for which nonminor dependents may qualify include AFDC-FC, CalWorks, Kin-GAP. Non-minor dependents are defined as children in foster care who attain the age of 18, are under child welfare or probation supervision and have a transitional independent living case plan as defined in federal law. Amendments under review would address specific issues pertaining to probation youth such as whether a probation youth receiving benefits after age 18 can be violated back into secure custody. *In Assembly Appropriations Committee, two year bill.*

AB 61 (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. A reintroduction of the bill that failed last year in the Senate. *Failed passage in the Senate Public Safety Committee.*

AB 114 (Carter, D- Rialto). Balanced and restorative justice programs. Reintroduction of the “BARJ” bill vetoed last year by the Governor, in substantially the same form as the vetoed version. 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 under WIC 725, minors on deferred entry of judgment under WIC 790 and as a delinquency disposition option for the court under WIC 727. Specifies that no state General Fund money shall be used to implement these programs. *Senate inactive file, two year bill.*

AB 131 (Evans, D. – Santa Rosa). Parental liability for juvenile court legal costs. Requires the Judicial Council to establish a program to collect reimbursements from persons liable for the costs of counsel appointed to represent parents or minors in Juvenile Court proceedings. Requires the Judicial Council to adopt standards for determining parental ability to pay counsel fees and to adopt policies for the collection of unpaid assessments. Requires collections to be deposited in the Trial Court Trust Fund and designates uses of the proceeds. **SIGNED** into law October 11, Chapter 413.

AB 337 (Torres, D.- Ontario). Sealing of juvenile delinquency records. Amends the record sealing provisions in the Welfare and Institutions Code (WIC 781) to require the Juvenile Court and probation department to provide information on sealing rights to all persons for whom a WIC 601/602 petition was filed on or after January 1, 2011, and to all persons who were referred to the probation department under WIC Section 626. The Judicial Council is required to develop related informational materials and a form for record-sealing petitions to the court. **VETOED** by the Governor on the basis of increased burden and cost to counties and statement that “competent counsel should already be providing this information.

AB 382 (Ammiano, D.- San Francisco). CDCR classification criteria and sexual orientation. Adds sexual orientation and gender identity to the list of considerations that CDCR must take into account when determining inmate or ward classification or housing. Bars CDCR from requiring any inmate or ward to disclose his sexual or gender identity at any time and prohibits disciplinary action based on failure to disclose either. **VETOED** by the Governor on the basis that it is unnecessary because CDCR already takes these factors in to account when making these decisions.

AB 422 (Torres, D.- Ontario). State Youth and Family Master Plan. Requires the Secretary of Health and Human Services to develop a state Youth and Family Master Plan to include: guiding principles for developing youth/family policies, identification of all government agencies serving youth and families, means to assess effective state youth/family policies and additional information. Requires meetings and input from 14 listed agencies and annual reports to the Legislature. *In the Assembly Appropriations Committee, two year bill.*

AB 438 (Beall, D.- San Jose). Juvenile and adult offenders with developmental disabilities. Establishes a task force under the Dept. of Corrections and Rehabilitation to identify strategies and best practices for addressing the needs of adults and juveniles in the justice system with developmental disabilities. The task force is to include representation from regional centers, Judicial Council, probation officers, defense and prosecution counsel, law enforcement and other stakeholders. Expands eligibility for diversion for developmentally disabled defendants to include those charged with non-violent felonies as well as those charged with misdemeanors. *In Sen. Appropriations, two year bill.*

AB 455 (Huffman, D. – San Rafael). ~~Youth violence reduction policy and funding.~~ California Conservation Corps participation requirements. Altered by amendment on 4/13, from a comprehensive plan to fund gang crime prevention programs to a bill which requires that a minimum of 5 percent of youth selected to participate in the California Conservation Corps represent young adults at risk of gang involvement or current or former gang members. *In the Assembly Public Safety Committee, two year bill.*

☑ **AB 576 (Torres, D.- Ontario). Vandalism penalties.** As amended, adds government entities to the list of victims to whom restitution for vandalism and graffiti offenses must be made by juveniles adjudicated for these offenses. **SIGNED** into law by the Governor on 10/11, Chapter 454.

AB 587 (Cook, R. - Yucaipa). Vandalism penalties, gangs. Amends Proposition 21 gang provisions by increasing penalties for vandalism committed for the purpose of furthering criminal gang activity, upping the penalty to imprisonment for up to a year and/or a fine of up to \$ 10,000. Authorizes the court in such cases to impose participation in a prevention program such as graffiti abatement as a condition of probation. *In the Assembly Public Safety Committee (two year bill).*

☑ **AB 845 (Bass, D.- L.A.). Reentry Advisory Committee.** Under current law, a Reentry Advisory Committee advises the Secretary of CDCR on all aspects of the Department's reentry programs, including those administered by the Division of Juvenile Facilities. AB 845 revises the membership of the Advisory Committee and alters its mission to include the issuance of at least one report to the Governor and the Legislature each year, plus discretionary interim reports, addressing listed re-entry issues. 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. Sunsets in 2016. **SIGNED** into law by the Governor, Chapter 454.

AB 891 (B. Berryhill, R.- Ceres). Gang Nuisance and Abatement Act. Creates a civil cause of action against the owner of a property used by a criminal street gang as a congregating point. Authorizes the city or district attorney to bring an abatement action against the property owner and authorizes related fines and forfeitures. *In the Assembly Public Safety Committee, two year bill.*

AB 921 (Jones, D. – Sacramento). Post-jurisdiction benefits for former foster youth. Requires a probation or parole officer, upon termination of jurisdiction or release of a ward from a nonfoster care facility, to provide the ward with written notice stating that the person is a former foster child and may be eligible for benefits under federal and state programs. Require the notice to inform the ward of the assistance available for a variety of benefits including independent living services. Applies to any ward who was previously adjudged a dependent child under WIC Sec. 300 and to a child who was at any time placed in foster care under delinquency jurisdiction. **VETOED** by the Governor on the basis that *expanded requirements for state and local agencies are not warranted given the state's economy.*

☑ **AB 962 (DeLeon. D. – L.A.) Regulation of handgun ammunition.** Requires, beginning February 2011, vendors of handgun ammunition to obtain a thumbprint and other personal information from ammunition buyers. Requires vendors to protect shopper access to handgun ammunition unless and until personally assisted by the vendor and limits handgun ammunition deliveries as of 2/1/11 to face-to-face transactions with substantiation of the transferee's identity. Prohibits individuals under gang injunctions from possessing handgun ammunition. **SIGNED** into law on 10/11, Chapter 628.

AB 997 (Krekorian, D. – Burbank). Identifying sex offenders in community care facilities. Requires the Departments of Justice, Social Services and Alcohol/Drug to develop a coordinated approach to generate information as needed to identify all sex offenders living in licensed residential, child care or foster care facilities. *In the Assembly Public Safety Committee, two year bill.*

AB 999 (Skinner, D. – Oakland). Time adds and credits for Division of Juvenile Facilities wards. Establishes a new time-credit system for wards in the state Division of Juvenile Justice, by requiring day-for-day credit toward the release date of the ward for each month of satisfactory performance in a program designated as a credit-qualifying program by the Chief Deputy Secretary for Juvenile Justice. Also, prohibits the DJF staff from imposing time-adds for any reason to the parole consideration date assigned to the ward at commitment. *In the Senate Appropriations Committee, two year bill.*

AB 1053 (Solorio, D. – Santa Ana). Time of release on parole for Division of Juvenile Facilities wards. Requires a ward confined in a DJF facility to be placed on supervised parole prior to “maxing out” of legally available confinement time. Specifically, requires that the ward be placed on supervised parole 90 to 120 days prior to the ward’s date of discharge from DJF control under Section 1769, 1770 or 1771 or the ward’s exhaustion of available confinement time as set by the court under Section 731 (c), whichever comes first. Also, incorporates and renews the Interstate Compact on Juveniles for California. **SIGNED** into law on 10/11, Chapter 268.

AB 1417 (Smyth, R. - Santa Clarita). Vandalism. Increases criminal penalties for vandalism committed on or within 100 feet of a highway or freeway, including damage to highway signs and signals. *In the Assembly Public Safety Committee, two year bill.*

AB 1439 (Solorio, D.- Santa Ana). Gang violence prevention. As amended in late August, requires the Director of the Office of Gang and Youth Violence Policy, together with a working group of stakeholders, to report to the Legislature and the Governor by June 1, 2010 their recommendations for streamlining existing state agency gang and youth violence programs, with a goal of giving priority to grant programs that employ evidence-based practices. Specifies that the recommendations shall include procedures and requirements to incentivize evidence-based practices by grant recipients. **VETOED** by the Governor on the basis that the measure would increase costs and workload for the Office of Gang and Youth Violence Policy at a time when the state can least afford it.

SENATE BILLS

SB 118 (Liu, D.- Glendale). Child welfare services for incarcerated parents. As amended, requires child welfare case plans to include (to the extent possible) information about incarcerated parents and requires social workers to make reasonable efforts to collect and update information regarding a child’s incarcerated parent or parents if and when a “consistent data entry field for fields have been designated in the statewide child welfare database”. **SIGNED** by Governor on 10/11, Chapter 338.

SB 134 (Liu, D.- Glendale and Yee, D.- S.F.). Communication rights of ward-parents in state and local juvenile justice facilities. Clarifies the right of a juvenile detained in a local detention facility to make phone calls to his or her child and to other individuals having care or service responsibilities for the child. For wards confined in the state Division of Juvenile Facilities, adds to the list of code-specified rights the right to maintain frequent contact with the ward’s child, with the child’s other parent and with related caregivers and service providers. Also, specifies that the DJF ward may communicate over the phone (with a minimum of four calls per month) and in writing to his/her child,

other parent or caregiver in order to improve the parent-child relationship and to prevent detrimental impact on the children of incarcerated wards. *In the Senate Public Safety Committee (two year bill).*

SB 179 (Runner, R. – Lancaster). Juvenile Court referee orders and review. Alters Welfare and Institution Code procedures for review of orders made by Juvenile Court referees. Allows in-court notice of review rights if the minor or parent are in court when the order is made. Adjusts written notice requirements to minors or parents not in court at the time of the referee's order. The previous provision making referee orders final at 180 days has been amended out of the bill. *In Assembly Judiciary Committee, two year bill.*

SB 282 (Wright, D.- Inglewood). Terminations of criminal street gang injunctions. Establishes a civil procedure for an individual to petition the court for termination of a criminal street gang issued against the individual, after five years and based on good behavior as defined during that period. Lists the circumstances under which the Court must grant the petition and requires the Judicial Council to develop forms for the termination petition. *In the Assembly Public Safety Committee, two year bill.*

SB 352 (Dutton, R. – Inland Empire). Probation placements in out-of-county group homes. Adds new requirements affecting placements of delinquent youth in out-of-county group homes including: a) the placing county must notify the receiving county in writing of any gang affiliation or dangerous behavior by the ward; b) requires group homes, upon the request of the receiving county probation department, to supply specified incident reports to the host probation department, and c) adds to the types of incidents that must be reported by group home to the state licensing agency. As amended May 28, removes the requirement that the probation department of a county that receives a placement of a felony 602 ward from another county must provide the local sheriff or police department in the receiving county with the details of the minor's offense and placement. **SIGNED** into law August 5th, Chapter 46.

SB 399 (Yee, D.- San Francisco). Juvenile life terms (LWOP). Reintroduces prior LWOP (Life Without Parole) reform bills in a new framework that would allow for periodic court review of juvenile life prison sentences. The bill provides that, after 10 years of LWOP incarceration (with some variations listed in recent amendments), a defendant who was under 18 at the time of the offense may petition the sentencing court for resentencing. The court must hold a resentencing hearing if it determines that the petitioner meets any of three criteria listed in the bill— that the defendant was convicted under the felony murder rule or as an aider or abettor, that the defendant did not have a record of felony violence prior to the LWOP crime, or that the LWOP crime was committed with at least one co-defendant. If one of these circumstances is found to be true, the court shall hold a hearing to determine whether to recall or resentence the defendant. At the hearing the court may consider multiple factors including eight criteria listed in the bill (for example, whether the defendant has mental competency issues or whether the defendant has performed acts indicating rehabilitation). Using these same eight criteria, the court may recall or resentence the defendant to a term not greater than the initial sentence. Applies retroactively. *Failed passage in Assembly Public Safety Committee.*

SB 441 (Ducheny, D. – San Diego). Corrections Standards Authority. In yet another round of amendments, the bill abolishes the Corrections Standards Authority as presently constituted and establishes the Board of Community Corrections, independent of CDCR, to replace it. Transfers current functions of CSA to the new Board of Community Corrections. Requires the new Board to

make a study of “the entire subject of crime” with listed sub-topics. Reconstitutes the old CSA board as a 17 member body with adjustments to the slots represented on the Board—for example, adding a superior court judge. Reinstates the abolished Commission on Peace Officer Standards and Training (CPOST) within CDCR with modifications to its membership and functions. *In the Assembly Appropriations Committee, two year bill.*

SB 492 (Maldonado, R. – Santa Maria). School loitering and gang penalties. Adds new criminal penalties for loitering about a school or public place for persons subject to the gang registration requirements of current law (Proposition 21). *SIGNED by the Governor, Chapter 592.*

SB 516 (DeSaulnier, D.- Walnut Creek). California Youth Legislature. Establishes a California Youth Legislature to develop recommendations for the Legislature and the Governor on a range of issues affecting California youth. The Youth Legislature would have a Senate and an Assembly. Its members must be 14-18 years of age and be enrolled in school or meet other education requirements. Members would have two year terms and would be appointed, one for one, by currently elected Senate and Assembly members. It would be funded by taxpayer contributions to a new California Fund for Youth to be included as an option on state income tax forms, and its operations would be terminated if the Joint Committee on Rules determines that funds are insufficient to support its costs. *In Assembly Rev and Tax Committee, two year bill.*

SB 543 (Leno, D.- S.F.). Minor’s consent to mental health counseling or shelter services. Adds Section 5849.10 to the Welfare and Institutions Code, paralleling Family Code Section 6924 provisions which currently provides that a minor age 12 or older may consent to mental health treatment or residential shelter care services without parental consent, if the minor meets maturity criteria and is considered a risk of harm to self or others or is a victim of incest or child abuse. The WIC section added by this bill adds, to the list of professional persons qualified to provide counseling to the minor under these circumstances, the following; board certified or board eligible psychiatrists, licensed clinical social workers (LCSW’s) and marriage and family therapist registered interns. As amended, limits the applicability of the consent provisions to outpatient mental health services. *Passed Senate and upon Assembly Floor vote moved to Assembly inactive file; two year bill.*

SB 678 (Leno, D.- S.F. and Benoit, R.,- Palm Desert). Community Corrections Performance Incentive funds and programs. Creates a statewide incentive program for counties to retain adult probation violators in local programs in lieu of commitment to state prison. Authorizes each county to establish a Community Corrections Performance Incentives Fund (CCPIF). The local fund would receive state funds allocated by the Department of Finance to counties based on a complex calculation of state savings (derived from fewer commitments to prison), local “probation failure rates” and the estimated number of probation violators retained by the county. CCPIF funds would be used to support adult offender programs designated by the Chief Probation Officer of the county, upon the advice of a Community Corrections Partnership of local criminal justice stakeholders. Funded programs must be spent on evidence-based practices with prescribed evaluation requirements. The Administrative Office of the Courts (AOC), in cooperation with the Chief Probation Officers of California (CPOC), must define minimum outcome-based measures for funded programs and must provide quarterly reports on program caseloads to the Department of Finance. The AOC, in consultation with CDCR, Dept. of Finance and CPOC must submit a comprehensive report on statewide implementation of the

community corrections program within 18 months of startup. **SIGNED** into law by the Governor on 10/11, Chapter 608.

SB 698 (McLeod, D. – Chino). Juvenile Court schools. Changes the method of calculating payments to juvenile court schools by using average daily enrollment, as defined, in lieu of average daily attendance. Exempts juvenile court schools from deficit factor reductions applied to revenue limits for other types of schools. *In the Senate Appropriations Committee, two year bill.*

SB 731 (Ashburn, R. – Bakersfield). Information exchanges by Multi Disciplinary Team members engaged in crime control. Authorizes the exchange of non-privileged information by MDT members engaged in adult crime and street gang control efforts under terms and confidentiality provisions specified in the bill. *In the Senate Public Safety Committee, two year bill.*

SUPPLEMENTAL REPORT ON SELECTED FOSTER CARE BILLS AFFECTING PROBATION-PLACED (JUVENILE JUSTICE) YOUTH

AB 12 (Beall, D. – San Jose and Bass, D. – L.A.). Extended foster care benefits to age 21. Conforms California law to qualify for U.S. funds under the federal Fostering Connections to Success and Increasing Adoptions Act of 2008, which provides extended foster care benefits to qualified youth beyond age 18. Creates a new jurisdictional category in California for “nonminor dependents” who remain eligible to receive listed benefits until age 21. Benefits for which nonminor dependents may qualify include AFDC-FC, CalWorks, Kin-GAP. Non-minor dependents are defined as children in foster care who attain the age of 18, are under child welfare or probation supervision and have a transitional independent living case plan as defined in federal law. *Repeat listing from above. Held in the Assembly Appropriations Committee, now a two year bill.*

AB 295 (Ammiano, D. – S.F.). Wraparound programs, adoption assistance. Gutted by September amendments that removed designation of the foster care wrap around services pilot program (WIC 18250) as a permanent program. As amended, extends the availability of funds for the four county adoption assistance program for children in long-term foster care. **SIGNED** into law, Chapter 427.

AB 421 (Beall, D.- San Jose). Payments to for-profit out-of-state placements for seriously emotionally disturbed children. Authorizes foster care payments to an out-of-state, for-profit placement provider for SED/special education youth for whom no suitable or comparable non-profit care facility can be located, under conditions and provisions detailed in the bill. *In Assembly Appropriations Committee, two year bill.*

AB 488 (Torres, D.- Ontario). County placement performance agreements and regulation waivers. Requires counties and providers granted for a placement regulation waiver from the Director of the Department of Social Services (CDSS), under county-provider performance agreements authorized by WIC 18987.62, to submit an independent evaluation of the waiver to the Department six months prior the end of the maximum three year performance agreement period. Provides for an extension of a performance agreement and waiver for an additional three years, based on the results of the independent evaluation. **SIGNED** into law on 10/11, Chapter 445.

AB 719 (B. Lowenthal, D. – Long Beach). Food stamps for foster youth. Requires the Department of Social Services to propose a Transitional Food Stamps for Foster Youth demonstration project that would be effective 7/1/10. The program would provide that independent and transitioning foster youth not otherwise eligible under CalWORKS or SSI shall be eligible for food stamps without regard to income sources. **SIGNED** into law by the Governor on 10/11, Chapter 371.

AB 1258 (Arambula, D.- Fresno). School fund grants for education-based foster youth services. Amends Section 42921 of the Education Code which authorizes State School Fund grants to support education-based foster youth services for foster children who reside in a licensed foster home or in a county-operated juvenile facility. AB 1258 expands the class of foster youth eligible for these services by removing the limitation that the grants may support only those children who reside in a licensed foster home or county-operated juvenile facility. *In Assembly Appropriations Committee, 2 year bill.*

AB 1393 (Skinner, D.- Oakland). Higher education housing priorities for foster youth. Requests California Community Colleges to give priority in housing to current and former foster youth. Requires a campus of the California State University or University of California that maintains student housing facilities to give priority to current and former foster youth, with the added qualification that the provision shall apply to the University of California only to the extent that the Regents of UC so resolve and only to foster youth who are eligible for housing. **SIGNED** into law on 10/11, Chapter 391.

SB 114 (Liu, D.- Glendale). Extended Medi-Cal benefits for independent foster care youth. Conforms California to federal law to extend Medi-Cal benefits beyond age 18 for foster youth without interruption in coverage or the requirement of a new application. Requires the Department of Health Care Services to implement a simplified form for continuing benefits. *In the Senate Appropriations Committee, two year bill.*

SB 352 (Dutton, R. – Inland Empire). Probation placements in out-of-county group homes. Adds new requirements affecting placements of delinquent youth in out-of-county group homes including: a) the placing county must notify the receiving county in writing of any gang affiliation or dangerous behavior by the ward; b) requires group homes, upon the request of the receiving county probation department, to supply specified incident reports to the host probation department, and c) adds to the types of incidents that must be reported by group home to the state licensing agency. As amended, removes the requirement that the probation department of a county that receives a placement of a felony 602 ward from another county must provide the local sheriff or police department in the receiving county with the details of the minor's offense and placement. *Repeat listing. SIGNED* into law August 5th, Chapter 46.

SB 597 (Liu- D., Glendale). Multiple revisions to foster care law and to provisions governing rates paid to foster care providers. Requires the Juvenile Court in dependency hearings and decisions to take into account the parent's ability to remain in contact with the child due to the parent's incarceration or institutionalization. Temporarily modifies the calculation factors determining Rate Classification Levels (RCL) for children's group homes by revising the point ranges needed to qualify for RCL rates, providing some staffing flexibility for group homes otherwise subjected to a 10 percent cut in group home rates. Makes adjustments to other types of foster care payments to compensate for downside effects of the 10 percent across-the-board cut in foster care payments in the final FY 09/10 Budget. Enhances the coverage and contents of child welfare case plans for youth 16 and older who

are transitioning to independence, to include additional information related to housing, education and employment. Requires the state Department of Social Services, on consultation with experts in the health and welfare fields, to develop a plan for the ongoing oversight and coordination of health care services for foster youth. Makes changes to state adoption law related to federal tax credits for adopting individuals and to the adoption of special needs children, as defined. Makes other changes to foster care law in 38 pages of bill text. **SIGNED** into law by the Governor on 10/11, Chapter 339.