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JUVENILE JUSTICE AND RELATED YOUTH PROGRAM BILLS

Introduced in the 2016 Session of the California Legislature

March 10, 2016

This bulletin describes bills introduced in the 2016 session of the California Legislature on the subjects of juvenile justice, youth crime and violence prevention, youth mental health, probation foster care and related matters. The deadline for introduction of new bills in this second year of the two year session was February 19. The deadline for policy committees in the house or origin to pass fiscal bills is April 22. “Spot” bills are placeholders that have yet to be filled out with substantive provisions. Bill amendments and committee status in this issue are current through March 8, 2016. The full text of each bill can be accessed on the California legislative website at www.leginfo.ca.gov. Additional information on California legislation, budget and policy in the broader youth justice field is available on the Commonweal Juvenile Justice Program website at www.comjj.org.

Assembly bills

AB 1644 (Bonta, D. - Alameda). School based early mental health services. Requires the State Public Health Officer, in conjunction with the Superintendent of Public Instruction and the Director of Health Care Services, to establish a four year pilot program providing training and technical assistance to school sites to support and expand participation in the state’s existing School-Based Early Mental Health Intervention and Prevention Services Matching Grant Program. Expands the definition of youth eligible for School-Based Early Mental health grants to include pupils attending pre-school, transitional kindergarten or charter schools. *Double referred to the Assembly Committees on Education and Health.*

AB 1675 (Stone, D. – Santa Cruz). Juvenile prostitution cases exempt from delinquency proceedings. Exempts minors charged with prostitution (Penal Code Section 647 (f)) or loitering for purposes of prostitution (Penal Code Section 653.22) from being prosecuted under the delinquency jurisdiction of the Juvenile Court, but provides that these cases may instead be processed under the court’s dependency (Section 300) jurisdiction. *Double referred to the Assembly Committees on Public Safety and Judiciary.*

AB 1730 (Atkins, D. – San Diego). Probation services for sexually exploited youth. Authorizes the probation chief of each county to create a program to provide services for youth who are victims of commercial sexual exploitation. Describes a range of services that may be provided including: assessment of the youth’s condition, trauma-informed services, placement solutions, staff training

and peer mentors. Provides that the program is to be supported by an unspecified appropriation of state funds and that the program funds are to be administered by the Board of State and Community Corrections. *Passed Assembly Public Safety, to the Assembly Appropriations Committee.*

AB 1760 (Santiago, D. – L.A.). Child human trafficking—reports to child welfare, processing as dependents and state task force mandates. Requires a peace officer dealing with a minor suspected of engaging in or committing a commercial sex act, or who is a victim of commercial sexual exploitation, and who is suspected of having committed a nonviolent crime related to that status, to file an abuse and neglect report with the county welfare agency in lieu of arrest on delinquency charges. Provides, as of 7/30/2017, that a minor meeting this description is immune from prosecution under delinquency laws and must instead be processed under the dependency provisions of the juvenile court law. Requires the California Health and Human Services agency to convene an inter-agency working group to produce a State Plan to Serve and Protect Child Trafficking Victims, with specified training and service components. Requires the state Department of Social Services to convene a stakeholder working group to address placement and service needs of children who are victims of child trafficking. Makes other law changes pertaining to children who are trafficking victims. *Double referred to the Assembly Committees on Public Safety and Human Services.*

AB 1808 (Wood, D. – Healdsburg). Minors mental health services—therapists. Under the provisions of Family Code Section 6924, a minor 12 years of age or older can consent, without parental consent, to mental health services from listed mental health professionals under limited circumstances—generally, where the treatment professional considers the minor to be mature enough to participate intelligently in the treatment and where, in the opinion of the treating professional, the minor presents a serious risk of harm to self or others or is an alleged victim of child abuse. This bill would add a clinical counselor trainee working under the supervision of a licensed clinical counselor to the list of therapists authorized to serve minors under this Section. *To the Assembly Committee on Business and Professions.*

AB 1843 (Stone, D. – Santa Cruz). Limits on employer inquiries into juvenile delinquency history. Amends Section 432.7 of the Labor Code to extend to juveniles the protections afforded by the section to adults who apply for employment, by banning employer inquiries into juvenile arrest or offense histories of job applicants unless there has been a juvenile court adjudication (finding of wardship) for the offense. This parallels the statute's existing provisions applicable in adult employment situations, providing that employers may not enquire about arrests or detentions that did not result in a conviction. AB 1843 also bans employers from asking for information related to a juvenile's referral to a listed diversion or deferred entry of judgment program or for information related to arrests or offenses for which the charge has been dismissed or the record sealed by the court. *To the Assembly Committee on Labor and Employment*

AB 1849 (Gipson, D. – Carson). Transitional foster youth and Medi-Cal. Under current law, the social worker or probation officer must prepare an independent living transition plan for minors or nonminor dependents transitioning out of foster care. This bill would require the social worker or probation officer preparing the plan to take steps to ensure that an eligible minor or nonminor dependent is enrolled in Medi-Cal. Additionally requires that the transitioning person be provided with a Medi-Cal Benefits ID card and with written information regarding the continuing availability of Medi-Cal coverage up to 26 years of age. *To the Assembly Human Services Committee.*

AB 1909 (Lopez, D. – San Fernando). Higher dollar threshold for felony vandalism. Proposition 21 in the year 2000 lowered the threshold for felony vandalism to include any malicious property damage valued at \$400 or less. This bill would raise the threshold destruction value for felony vandalism to \$950. As an amendment to Proposition 21, the bill requires a two-thirds vote of the Legislature. *To the Assembly Public Safety Committee.*

AB 1945 (Stone, D. – Santa Cruz). Clean up amendments to juvenile record sealing provisions. Last year, Assembly Member Stone authored AB 666 making multiple changes to expand and clarify implementation of Welfare and Institutions Code Section 786, adopted in 2014 to provide a process by which the court must automatically seal a juvenile crime record if the juvenile has satisfactorily completed probation or a diversion program and meets other listed criteria. Pending amendments will permit a child welfare worker to access a record that has been sealed by the court under Section 786 for the limited purpose of determining an appropriate court ordered placement or service for the minor. The amendments also make a technical change to the provision of Section 786 that presently allows the court to seal the record of a juvenile having a listed serious crimes (under Welfare and Institutions Code Section 707 (b)) where the Court has dismissed or reduced the 707 (b) offense. *To the Assembly Public Safety Committee.*

AB 1998 (Campos, D. – San Francisco). Juvenile justice race and ethnicity data. Requires the juvenile court, a juvenile detention facility and a county probation department, when gathering race or ethnicity data from juveniles in order to comply with federal requirements, to collect that data using standard categories specified in the bill. *To the Assembly Judiciary Committee.*

AB 2000 (Campos, D. – San Francisco). Delinquency wardship termination hearings. Adds Section 607.6 to the Welfare and Institutions code, imposing a new hearing requirement for juvenile courts prior to the termination of delinquency wardship for juveniles turning 18 and who are in a placement or are “returning to an unstable home environment”. Requires the court to verify that the probation department has provided the individual with an extensive list of documents, identification cards and referrals for health, housing and other assistance. For nonminor dependents under continuing court jurisdiction (between the ages of 18-21), the probation department must verify that assistance has been provided in accessing the Independent Living Aftercare Program in the ward’s county of residence. Requires the Judicial Council to adopt rules and forms in order to implement these requirements. *To the Assembly Judiciary Committee.*

AB 2103 (Burke, D. – Inglewood). Juvenile spot bill. Spot bill making nonsubstantive change to Welfare and Institutions Code Section 827 regarding the confidentiality of juvenile court records. *Not assigned.*

AB 2298 (Weber, D. – San Diego). Gang data base spot bill. Spot bill declaring intent to enact legislation requiring law enforcement to notify an adult prior to entering his or her name into a shared gang data base. *Not assigned.*

AB 2295 (Baker, R. - Dublin). Criminal court restitution orders. Modifies Section 1202.4 of the Penal Code to raise the minimum restitution amount ordered by the court to \$150 from \$120 and to eliminate some phase-in minimums, and eliminates the authority of the court to reduce a restitution amount based on the defendant’s inability to pay. *Not yet assigned to committee.*

AB 2327 (Cooley, D. – Rancho Cordova). *New human trafficking offense.* Adds human trafficking as defined in Penal Code Section 236.1 to the crimes enumerated in Penal Code Section 288.3 for which contact or communication with a minor in order to commit one of the listed offenses is a felony. *To the Assembly Public Safety Committee.*

AB 2369 (Patterson, R.- Fresno). *Proposition 47 misdemeanors converted back to felonies.* A “pushback” bill on Proposition 47 that restores felony status to a Proposition 47 misdemeanor offense where the defendant has a prior offense history as defined in the bill, or where a misdemeanor theft offense involves taking of a firearm. *To the Assembly Public Safety Committee.*

AB 2390 (Brown, D. – San Bernardino). *Restoration of honorable discharge for Division of Juvenile Justice wards.* Prior to the elimination of DJJ’s parole division in 2010, the Parole Board could award honorable discharge status to a DJJ parolee who performed well on parole. Under the terms of WIC Sections 1179 and 1772, that person would thereupon be “released from all penalties and disabilities resulting from the offense he or she committed”. The honorable discharge law lost relevance when parole supervision was shifted to county probation departments by AB 1628 in 2010. This bill essentially restores honorable discharge as an option available to the Parole Board or to a county juvenile court to award honorable discharge status to a DJJ ward if the ward’s discharge “is based upon good performance on supervised release”. The bill also reasserts the provision that every person discharged (without reference to honorable discharge) from the Division of Juvenile Justice may petition the court to have an underlying guilty verdict or criminal accusation or information dismissed, which if granted would also result in full release from penalties and disabilities related to the offense. The renewed honorable discharge provisions will apply to those with WIC 707(b) offenses, because the vast majority of DJJ commitments since 2007 involve the commission of a listed WIC 707 (b) crime. Other than the reference to good performance on supervised release, the bill does not spell out criteria or a specific process for the Parole Board or the Court to declare or award honorable discharge status. *To the Assembly Public Safety Committee.*

AB 2513 (Williams, D. – Santa Barbara). *Aggravation of human trafficking offenses.* Adds to the human trafficking section of the Penal Code (Section 236.1) an additional aggravating factor for sentence enhancement where the defendant “recruited, enticed, or obtained the victim from a shelter or placement that is designed to serve runaway youth, foster children, homeless persons, or victims of human trafficking or domestic violence.” *To the Assembly Public Safety Committee.*

AB 2524 (Irwin, D. – Thousand Oaks). *Department of Justice crime data.* Spot bill making a nonsubstantive change to the Penal Code Section 13013 provision requiring the state Department of Justice to maintain statewide data on reported crimes, including a reference to DOJ’s new “Open Justice” data portal. *Not yet assigned.*

AB 2695 (Oberholte, R. – Big Bear Lake). *Juvenile competency determinations and proceedings.* AB 2695 is a complete overhaul of current provisions in Welfare and Sections Code Section 709 relating to the competency of juveniles in delinquency (WIC 601 and 602) proceedings. Broadens the definition of incompetency to include reference to extrinsic factors including mental or developmental disorders or immaturity. Requires the court to suspend proceedings and to retain a competency expert where the competency is in doubt and the parties do not stipulate to incompetency. Recasts the hearing and evidentiary rules for determination of competency. Upon a finding of incompetency, requires the court to suspend delinquency proceedings and to refer the minor to a remediation program with services designed to restore competency if possible, with court reviews of the remediation program process every 30 days (for detained minors) or 45 days (for non

detained minors). If the court finds that the minor has been remediated, the delinquency proceedings are to be reinstated. If the court determines that competency cannot be restored, the petition is to be dismissed and the minor is to be referred to non-justice agencies for remedial care. Requires the Judicial Council to develop rules to implement the new provisions and requires listed county agencies to collaborate in the adoption of a local protocol for handling competency cases in a manner consistent with the new provisions. *Not yet assigned to committee.*

AB 2723 (Chavez, R. – Oceanside). Juvenile spot bill. Spot bill making a nonsubstantive change to Welfare and Institutions Code Section 602, the delinquency jurisdictional statute. *Not assigned.*

AB 2813 (Bloom, D. - Santa Monica). Detention of dependent minors upon referral to probation. Amends Welfare and Institutions Code Section 628, regarding the probation officer's referral and custody options, by requiring that a minor who is a dependent ward or who appears to come within the dependency section (300) immediately be released by the probation officer "...to the custody of the child welfare services department or his or her current foster parent or other caregiver unless it can be demonstrated upon the evidence before the court that continued detention is a matter of immediate necessity for the protection of the person of another." *Not yet assigned to committee.*

Senate bills

SB 527 (Liu, D. - Pasadena). Proposition 47 - Safe Neighborhoods and Schools Planning Grant Program. Establishes the Safe Neighborhoods and Schools Planning Grant program within the state Department of Education to be supported by the Department's Proposition 47 share and any other state budget appropriation that may be so designated. Proposition 47 created a Safe Neighborhoods and Schools Fund from savings due to reduced prison costs derived from reducing listed felony crimes to misdemeanors. 25 percent of the state fund is to be allocated by the State Department of Education to support truancy, dropout prevention and related school-based programs. SB 527 (introduced in 2015) sets out criteria for allocation of the education share of Prop 47 funds by the Department of Education. As amended in January 2016, the bill now provides that funding priority shall be given to local education agencies in communities having high crime rates, high rates of pupil suspension or absenteeism (including dropouts) or high rates of foster youth. Education agencies applying for funds must submit a local plan documenting the target population to be served and addressing the needs of specified pupil subgroups in high-needs areas. Describes multiple purposes and services to be supported by the planning grants. Requires the Department of Education to provide training and technical assistance go agencies receiving planning grants. *Two year bill, in the Assembly for committee assignment.*

SB 843 (Block, D. – San Diego). Sealing of offense records in human trafficking cases. Amends Penal Code Section 1203.49 to establish a procedure whereby juveniles or adults who are arrested or convicted (including juvenile adjudications) for any offense while a victim of human trafficking may petition the court for relief that includes sealing of the arrest and court records, dismissal of the plea or indictment and notification to the Department of Justice that the dismissal and sealing have been ordered in the case. Provides further that "...a petitioner who has obtained an order pursuant to this section may lawfully deny or refuse to acknowledge an arrest, conviction, or adjudication that is set aside pursuant to the order." *To the Senate Public Safety Committee.*

SB 941 (Mitchell, D. – L.A.). Elimination of parental liability for juvenile detention, supervision, placement and related county costs. SB 941 amends multiple code sections to eliminate fees or costs imposed on minors or their parents or guardians for a broad range of actions and outcomes related to the processing of cases under the Juvenile Court law. Significant changes made by the bill include the following:

- Repeals all sections of the Welfare and Institutions Code imposing liability on parents or guardians for the county-incurred costs of processing, representing, detaining, supervising (including electronic monitoring), supporting or placing minors under the Juvenile Court Law. Repealed sections include every consecutive section of the Welfare and Institutions Code starting with Section 902 through and including Section 904 (except sections 903.3, 903.41 and 903.8)—12 code sections in all that presently authorize assessments for juvenile system costs.
- Modifies other code sections to eliminate a fee imposed upon a minor or his or her family for the costs of electronic monitoring on a home detention program and to eliminate parental liability for the costs of transporting a juvenile from a law enforcement facility to the minor’s home or to another authorized destination.
- Deletes the Rev. and Tax code provision authorizing referral of delinquent payments assessed on parents for the costs of assigned counsel in juvenile proceedings to the Franchise Tax Board for collection action.

SB 941 includes a standard “Proposition 30” provision to the effect that the provisions of the bill shall be effective only to the extent that they do not have the “overall effect of increasing the costs already borne by local agency for programs or levels of service” related to programs that were realigned to counties by the state under California’s major 2011 realignment reform. *To the Senate Public Safety Committee.*

SB 882 (Hertzberg, D. – L.A.) Public transport fare evasion by a minor. Amends Section 640 of the Penal Code to exempt minors from prosecution for an infraction or misdemeanor for the offense of evading a public transportation fare. *To the Senate Public Safety Committee.*

SB 1004 (Hill, D. – San Mateo). Juvenile spot bill for diversion program. Spot bill stating intent to enact a transitional youth diversion program for adults age 18 to 21 at the time of the commission of the offense. *Not yet assigned.*

SB 1031 (Hancock, D. – Berkeley). Juvenile Justice data. Requires the Board of State and Community Corrections (BSCC) to implement a California Juvenile Justice Information System in order to promote “... the operational and program effectiveness of state and local juvenile justice systems in California in reducing the incidence of juvenile crime and recidivism.” Features of the new information system are to include:

- User- friendly data collection and reporting of statewide juvenile justice data on the characteristics and case processing of juveniles who come into contact with the justice system,
- Data relating to the effectiveness of juvenile justice programs and strategies, and
- Data that will allow for the effective management of state and local resources invested in the juvenile justice system.

The BSCC juvenile information system must also support local juvenile justice agencies in the collection and submission of juvenile justice data to the state. The bill requires the Department of Justice, which has existing mandates to collect juvenile justice data, to coordinate with BSCC in the development of the BSCC-based information system. *To the Senate Public Safety Committee.*

SB 1052 (Lara, D. – Bell Gardens). Juvenile spot bill. Juvenile spot bill, no content. *Not assigned.*

SB 1070 (Hancock, D. – Berkeley). Youthful Offender Parole Hearings, spot bill. Nonsubstantive placeholder for possible modifications of code sections enacted by prior legislation authored Senator Hancock (SB 260 in 2014, SB 261 in 2015) establishing a process for Parole Board review of state prison sentences imposed on individuals whose offenses were committed while under the age of 23. *Not yet assigned.*

SB 1084 (Hancock, D. – Berkeley). Juvenile life-without-parole (LWOP) cleanup. As introduced makes technical changes to code sections that provide a process for recall and resentencing of state prisoners with LWOP sentences for crimes committed while a juvenile. *To the Senate Public Safety Committee.*

SB 1110 (Hancock, D. – Berkley). Law Enforcement Assisted Diversion program. Requires the Board of State and Community Corrections (BSCC) to select and fund three counties for participation in a Law Enforcement Assisted Diversion (LEAD) program. Under the program, designated law enforcement officers would be authorized, in lieu of arrest, to divert a person suspected of a listed drug or prostitution offense to a local agency offering drug treatment or related counseling services. No appropriation. *To the Senate Public Safety Committee.*

SB 1143 (Leno, D.- S.F.). Juvenile spot bill. Spot bill making nonsubstantive changes to Welfare and Institutions Section 208.5 (commingling of juveniles and adults in local detention facilities) and possible placeholder for a reintroduction of past proposed legislation imposing limits on the use of solitary confinement in juvenile justice facilities. *Not assigned.*

SB 1322 (Mitchell, D. – L.A.) Exemption of minors from prosecution for prostitution offenses. Amends Penal Code Section 647 (b) (prostitution offenses) to exempt from prosecution a child under the age of 18 who is alleged to have violated this subdivision. Provides that a peace officer who encounters a child involved in a commercial sex act must report the matter to the county welfare agency as an instance of child abuse or neglect. Further provides that a commercially exploited child covered by this prostitution provision may be adjudged a dependent ward of the court and may be taken into temporary custody as otherwise provided in the Juvenile Court law. *To the Senate Public Safety Committee.*

SB 1343 (Wolk, D. - Davis). School transfers of pupils with specified convictions. Provides that a school district may transfer a pupil within the district who has been convicted of a violent felony listed in Section 667 (c) of the Penal Code or of a misdemeanor violation of Section 29805 of the Penal Code (firearm purchase or possession by former offender). *To the Senate Education Committee.*

Bill digests by David Steinhart, Director, Commonweal Juvenile Justice Program. Updated reports are posted on our website at www.comjj.org.