

## COMMONWEAL

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# JUVENILE JUSTICE AND RELATED YOUTH PROGRAM BILLS

Pending in the 2016 Session of the California Legislature

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## June 3, 2016 UPDATE

This bulletin describes bills pending 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 bills to pass fiscal committee in the house of origin was May 27; bill amendments and committee status in this issue are current through June 2. The full text of bills can be accessed on the California legislative website at [www.leginfo.ca.gov](http://www.leginfo.ca.gov). Additional information on legislation, budget and policy in the broader youth justice field is available on the Commonweal Juvenile Justice Program website at [www.comjj.org](http://www.comjj.org).

## Assembly bills

***AB 1644 (Bonta, D. - Alameda). School based early mental health services.*** As amended, renames the 1991 School Based Early Mental Health and Prevention Services Act of 1991 to now be called the Healing from Early Adversity to Level the Impact of Trauma Act (a.k.a., “HEAL”). Expands the coverage of the grant program to include pupils who attend pre-school programs at a contract agency of the California state preschool program or of a local education agency as well as transitional kindergarten pupils. 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 program providing training and technical assistance to school sites to support participation in the renamed School-Based Early Mental Health Intervention and Prevention Services Matching Grant Program. *Passed the Assembly, to the Senate for committee assignment.*

***AB 1675 (Stone, D. – Santa Cruz, and Gonzales, D. – San Diego). Diversion from prosecution of juveniles charged with prostitution offenses.*** Where a minor is alleged to have committed a prostitution related offense under Penal Code Section 647 or 653.22, this bill requires the probation officer to refer the minor to a program of informal supervision under Welfare and Institutions Section 654 in lieu of referring the case to the prosecutor for a petition to establish delinquency wardship. As amended the bill permits referral to Section 654 informal supervision even where the minor has previously been under WIC Section 654 informal supervision. *Passed Assembly, to the Senate for committee assignment.*

**AB 1730 (Atkins, D. – San Diego). Probation services for sexually exploited youth.** As amended, requires the Board of State and Community Corrections (BSCC) to establish a pilot project in San Diego, Santa Clara and Sacramento Counties, upon approval of the chief probation officer of the county, 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 as may be provided in the state budget. *Passed the Assembly, to the Senate for committee assignment.*

**AB 1760 (Santiago, D. – L.A.). Child human trafficking—reports to child welfare, processing as dependents, state plans and related changes.** As amended, requires a peace officer dealing with a minor determined to be a victim of human trafficking and suspected of committing a crime to make a record of the determination for submission to the prosecutor for independent evaluation. Requires the peace officer, in lieu of arresting the minor, to report the case to the child welfare agency as a case of neglect and to transport the minor to a safe placement determined on consultation with the child welfare worker. Provides that the minor may be taken into protective custody under Welfare and Institutions Code Section 305 and that, under stated conditions, the minor may be adjudicated as a dependent ward of the juvenile court. Requires the state Department of Social Services, in consultation with other named state agencies, to submit a report to the Legislature by July 1, 2018 on efforts underway to address labor trafficking of minors with a plan as to how CDSS and the Health and Human Services agency will address the problem. Adds new training requirements for administrators of children’s group homes and foster parents for “instruction on cultural competency and sensitivity and related best practices for providing adequate care to child trafficking victims. Makes other law changes pertaining to children who are trafficking victims. *Held in the Assembly Appropriations Committee, failed to meet fiscal committee deadline.*

**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 a listed mental health professional 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. *In the Senate Committee on Business, Professions & Economic Development.*

**AB 1843 (Stone, D. – Santa Cruz). Limits on employer inquiries into juvenile offense history.** Amends Section 432.7 of the Labor Code by banning employer inquiries into juvenile arrest or related juvenile offense histories of job applicants. As amended, the bill’s ban on employer inquiry has been widened to include any juvenile justice arrest, prosecution, diversion or adjudication event. The bill also expands the current Section 432.7 ban on transmittal of adult offense records by law enforcement and other authorized holders of the information, by disallowing transmittal of any juvenile delinquency information. Adds a definition of “conviction” to Section 432.7 that specifically excludes juvenile justice processing or adjudication. *In the Senate Labor and Industrial Relations Committee, set for hearing 6/22.*

**AB 1849 (Gipson, D. – Carson). Foster youth transitional plans and health coverage.** 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 Med-Cal. Additionally, upon termination of dependency jurisdiction over a nonminor (over 18 years of age), the court is required under current law to verify that the nonminor has been provided with specified documents and services. This bill would additionally require the court to verify that the nonminor is provided with a Medi-Cal Benefits ID card and with written verification of enrollment in Medi-Cal. In addition the bill requires the court to verify that the nonminor has been provided with “continuing and uninterrupted enrollment in Medi-Cal”. *In the Senate Human Services Committee, hearing set for 6/14.*

**AB 1870 (Gallagher, R. – Plumas Lake). Prison realignment recidivism data collection.** Effective 7/1/2017, AB 1870 requires the Board of State and Community Corrections (BSCC) to collect and analyze data regarding recidivism rates of those serving jail sentences or placed on post-release community supervision under the terms of California’s 2011 prison realignment reform. Requires BSCC to consult with the Administrative Office of the Courts, the California District Attorneys Association, the California State Association of Counties, the state Sheriffs Association and the Chief Probation Officers of California in the data collection and analysis activity. Incorporates the definition of recidivism adopted by BSCC for adult offenders under the terms of AB 1050 (amending Penal Code Section 6027 in 2014). *Held in the Assembly Appropriations Committee, failed to meet fiscal committee deadline for moving forward.*

**AB 1945 (Stone, D. – Santa Cruz). Clean up amendments to juvenile record sealing provisions.** AB 1945 further amends Section 786 of the Welfare and Institutions Code, added in 2014 to require the Juvenile Court to seal a juvenile offense record and to dismiss the charges if the juvenile has satisfactorily completed probation or a diversion program and meets other listed criteria. The bill would 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 bill also clarifies the eligibility of a person for WIC Section 786 record sealing for completions of diversion or probation occurring at any time while the person is under continuing juvenile court jurisdiction. The former provision of the bill that would clarify the eligibility for court auto-sealing of a person having a juvenile WIC 707 (b) listed offense that has been reduced to a misdemeanor has been deleted from the bill, due to a Legislative Counsel determination that such a provision would require a two-thirds vote of each house as an amendment of Proposition 21. *To Senate Public Safety Committee, set for 6/14.*

**AB 1998 (Campos, D. – San Jose). Juvenile justice race and ethnicity data.** As amended, requires the Board of State and Community Corrections to prepare guidelines for counties on how to disaggregate juvenile justice caseload and performance and outcome data by race and ethnicity. *Passed Assembly, to the Senate Public Safety Committee for hearing 6/14.*

**AB 2000 (Campos, D. – San Jose). Delinquency wardship termination hearings and requirements.** Adds Section 607.6 to the Welfare and Institutions code, requiring the Juvenile court to hold a termination hearing prior to the termination of delinquency wardship. As amended, the bill applies only to wards who have attained 17 years of age and are not subject to the foster care termination hearing requirement of WIC Section 607.3. For affected wards the bill requires the court to verify in the hearing that certain documents and services listed in the bill have been provided to the ward. If the document or service is unable to be provided, the court must verify that

the probation officer has made a reasonable effort to provide the document or service. The documents to be provided and verified under the bill include a social security card, copy of birth certificate, health and education summary, driver's license or ID card and a probation letter describing the ward's case history. Additionally, the court must verify that the ward has been provided with assistance for obtaining health coverage; with referrals for assistance in obtaining transitional housing, college admission and employment; and with information about record sealing. The bill further provides that the ward shall not be maintained in confinement or subject to probation conditions due to delays in providing the required items or continuances of the termination hearing. As most recently amended AB 2000 also permits the court, in its discretion to make the documents and services mandated for wards over age 17 available to wards under the age of 17, where the ward so requests and the court finds that this to be in the best interest of the ward; another amendment permits a ward to waive the right to receive the information, documents or services specified in the bill after having the opportunity to consult with counsel. Requires the Judicial Council to develop standards and forms for implementation. *Passed the Assembly, to the Senate for committee assignment.*

***AB 2005 (Ridley-Thomas, D.- L.A.) Out of state placements of juveniles.*** As amended now requires the juvenile court, prior to ordering the placement of a WIC 601 or 602 ward in an out-of-state residential facility or program, to find by clear and convincing evidence that the out-of-state placement "...is the most appropriate and is in the best interests of the minor and that in-state facilities or programs have been considered and are unavailable or inadequate to meet the best interests of the minor". Amendments removed prior ill-fitting references to out of state juvenile homes, ranches and camps. The bill maintains the current provision of WIC 727.1 that the court must verify that an out-of-state residential placement program for a California ward meets California licensing standards. *Re-referred with amendments to the Senate Public Safety for hearing on 6/14.*

***AB 2298 (Weber, D. – San Diego). Gang data base notices, challenges and reports.*** Current law requires a law enforcement agency to provide advance notice to persons whose names are entered into a shared gang data base, as defined, including notice to the parent or guardian if the individual whose name is entered into the data base is a minor. It also requires the law enforcement agency, upon request, to inform the person as to reason for his or her designation as a gang member. This bill would require the law enforcement notice to inform individuals as to how they can contest inclusion in the gang data base, while adding a new process for contesting inclusion in the gang data base. In addition the bill would require that an individual be removed from the shared gang data base if he or she is not convicted of a listed gang-related offense within three years. Commencing 2/15/18, the bill requires any law enforcement agency utilizing a shared gang data base to submit a report annually to the California Department of Justice describing additions and removals from the data base, including the number of removal requests, and the bill further requires the Department of Justice to post each law enforcement agency's report on the DOJ internet website. *Passed the Assembly, to the Senate for committee assignment.*

***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. *Passed the Assembly, to the Senate for committee assignment.*

**AB 2369 (Patterson, R.- Fresno).** *Proposition 47 misdemeanors converted back to felonies.* A “pushback” bill on Proposition 47 that would restore felony status to a Proposition 47 misdemeanor where the defendant has a prior offense history as defined in the bill, or where a misdemeanor theft offense involves taking of a firearm. *Failed passage in 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 would apply to wards with WIC 707(b) offenses because the vast majority of DJJ commitments since 2007 involve the commission of a listed WIC 707 (b) crime. The bill does not specify criteria or a specific process for the Parole Board or the Court to declare or award honorable discharge status. *To the Senate Public Safety Committee, hearing 6/14.*

**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 the court to consider in sentencing 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 Senate Public Safety Committee, hearing 6/14.*

**AB 2524 (Irwin, D. – Thousand Oaks).** *Department of Justice crime data—conversion to electronic formats and posting of summary data on the DOJ OpenJustice website.* This Department of Justice (DOJ) sponsored bill makes extensive changes to DOJ justice system data collection mandates in the Penal Code, affecting data collection for both juvenile and adult systems. Overall, the bill would replace current references and requirements relating to DOJ’s production of hard-copy and paper reports with new provisions requiring the data to be collected, submitted and reported in electronic formats, with summaries and analysis to be published publication on the Department’s “OpenJustice” web portal. Intent language in the bill notes that only 40% of law enforcement agencies currently submit required data by electronic means, and that “there are significant public benefits in modernizing how public agencies engage with data and in encouraging the adoption of contemporary electronic technologies to reduce the inefficiencies and environmental impacts of paper recordkeeping.” The bill maintains current Penal Code mandates as to the type and scope of justice system data that DOJ must collect, with minor modifications. It replaces current annual DOJ summary crime data reporting requirement with a requirement that the requisite data be published on the OpenJustice web portal and updated no less than quarterly. As most recently amended, the bill sets out a revised target date of January 2021 for full conversion of the state criminal history information system to incident-based crime reporting using electronic formats. The bill includes a statement that “it shall be the duty of the department to use the latest advances in data science to give adequate interpretation of the statistics and so to present the information that it may

be of value in guiding the policies of the Legislature and of those in charge of the apprehension, prosecution, and treatment of the criminals and delinquents, or concerned with the prevention of crime and delinquency.” *Passed the Assembly, to the Senate for committee assignment.*

**AB 2695 (Oberholte, R. – Big Bear Lake). Juvenile competency determinations and proceedings.** AB 2695 is an overhaul of current provisions in Welfare and Institution Code Section 709 relating to the competency of juveniles in delinquency (WIC 601 and 602) proceedings. The bill broadens the definition of incompetency to include reference to extrinsic factors including mental or developmental disorders or immaturity. It requires the court to suspend proceedings and to retain a competency expert where the competency is in doubt and the parties do not stipulate incompetency. Recasts the hearing and evidentiary rules for determination of competency. Upon a finding of incompetency, AB 2695 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). As amended, the bill provides that the remediation period may last for up to two years (for a petitioned felony offense) or up to one year (for a petitioned misdemeanor), in neither case to exceed the maximum available confinement time. 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 to collaborate with designated stakeholders to define training and experience qualifications of experts in competency proceedings. Also 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. *Held in the Assembly Appropriations Committee, failed to meet deadline for moving forward.*

**AB 2723 (Chavez, R. – Oceanside). Commercially sexually exploited children.** Adds to the definition of a commercially sexually exploited child in Welfare and Institutions Code Section 300 (b) (2), to include a child who has engaged in prostitution or has loitered for the purpose of engaging in prostitution. States that the amendment is declaratory of existing law establishing dependency jurisdiction for commercially sexually exploited children. *In the Senate Human Services Committee, hearing 6/14.*

**AB 2813 (Bloom, D. - Santa Monica). Detention of dependent minors upon referral to probation.** Amends Welfare and Institutions Code Section 628, with respect to the detention criteria to be utilized by the probation officer upon referral of a minor who is a dependent ward or who is the subject of a petition for dependency under Section 300. As amended, the bill now deletes the probation officer’s authority to detain a minor based on based on dependency and neglect factors such as “the minor is destitute” or lacks a suitable home or parent or is the object of abuse, cruelty or neglect (by deleting factors A through C in subdivision (a) (1) of Section 628). For current dependent wards or minors who are subject to a dependency wardship petition and who have been removed from the home, the bill requires that the minor be immediately released to the custody of the child welfare agency or foster parent or caregiver unless the minor meets the remaining criteria for secure detention in subdivision (a) (1)—i.e. that the minor must be detained as a matter of immediate and urgent necessity to protect the person or property of another or is likely to flee the jurisdiction of the court or has violated an order of the juvenile court. *To the Senate Public Safety Committee for hearing 6/14.*

## **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 to agencies receiving planning grants. *In the Assembly Education Committee.*

**SB 821 (Block, D. – San Diego). Criminal threats.** Modifies the Penal Code criminal threat statute (Section 422) by adding new elements to the crime including that the threat affects a location or event and causes an immediate prospect of execution of the threat "...such that the evacuation, lockdown, or closure of a location, or the cancellation, evacuation, lockdown, or closure of an event appears to be reasonably necessary for the protection of the public". *Held in the Senate Appropriations Committee, failed to meet deadline for moving forward.*

**SB 823 (Block, D. – San Diego). Sealing of offense records in human trafficking cases.** As amended 5/31, establishes a new petition procedure in the Penal Code (adding Section 236.13) whereby juveniles or adults who are arrested or convicted (including juvenile adjudications) for any nonviolent offense (including prostitution) 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. As amended, adds a presumption in favor of the relief sought where the petitioner can establish that the arrest or adjudication was a "direct result of or in clear connection with a human trafficking scheme in which he or she was a victim". 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." *Passed the Senate, to the Assembly for committee assignment.*

**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. Amended on 5/31 to provide that the measure will not limit the ability of the public transportation agency to impose fines as specified for fare evasion. *Passed the Senate, to the Assembly for committee assignment.*

***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.
- For adults placed on a home detention program under Penal Code Section 1203.1ab, limits the imposition of fees for electronic monitoring or related costs to persons over 21 years of age.

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. *Held 5/27 in the Senate Appropriations Committee, failed to meet deadline for moving forward.*

***SB 1004 (Hill, D. – San Mateo). Juvenile hall confinement pilot program for young adults.***

Authorizes a “transitional youth diversion” pilot program” in five counties, whereby adult defendants aged 18-21 at the time of their offense may be housed in a juvenile hall diversion and deferred-entry-of-judgment program. Admission to the program is limited to those with non-violent/non-serious felony offenses as defined in the bill, and to those considered suitable for the program based on a probation-based risk assessment tool. The measure is intended to apply only to defendants “who would otherwise serve time in custody in a county jail”. The bill requires that adult defendants housed in juvenile halls “shall not come into contact with minors within the juvenile hall for any purpose including but not limited to housing, recreation or education”. As amended, the bill further requires that each pilot county facility be reviewed and approved by the Board of State and Community Corrections as suitable for the mixed age population, taking into account factors including safety, programming and capacity of each facility. The bill also requires the pilot counties to work with the Board of State and Community Corrections to ensure compliance with federal JJDPa sight and sound requirements for juveniles and adults housed in the same facility. An additional amendment requires a county operating the pilot program to conduct an evaluation of the pilot’s impact and effectiveness including the program’s effect on minors in the facility and outcome-related data for program participants compared to young adult offenders sentenced for comparable crimes. Another amendment imposes a maximum custody time for adults in the juvenile hall program of one year. The five named pilot counties are Alameda, Santa Clara, Butte, Napa and Nevada. Sponsored by the Chief Probation Officers of California (CPOC), the bill is designed in part to utilize available local juvenile hall space as an alternative to the confinement of young adults in crowded local jails. *Passed the Senate, to the Assembly for committee assignment.*

**SB 1031 (Hancock, D. – Berkeley). Juvenile justice data.** As amended, adds to the current juvenile justice data collection requirements for the state Department of Justice (in Penal Code Section 13010.5) by requiring the department to develop a “design structure and implementation plan for the California Juvenile Justice Information System”. The design structure and plan are to be developed with advice from the Chief Probation Officers of California, the Judicial Council and advocates for juveniles and other stakeholders. Requires that on or before July 1, 2019, the department shall establish and implement the statewide Juvenile Justice Information System having specified features including:

- 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 DOJ juvenile information system must also support local juvenile justice agencies in the collection and submission of juvenile justice data to the state. A blank appropriation is included in the bill. The former version of this bill was amended to remove the responsibility for development and implementation of the state Juvenile Justice Information System from the Board of State and Community Corrections. *Held in the Senate Appropriations Committee, failed to meet deadline for moving forward.*

**SB 1052 (Lara, D. – Bell Gardens). Custodial interrogation of juveniles.** Adds a new Section 625.6 to the Welfare and Institutions Code, requiring that a minor must consult with counsel prior to any custodial interrogation or waiver of Miranda rights. Provides that the pre-interrogation counsel consultation cannot be waived by the minor. For any interrogation that occurs prior to the consultation with counsel, the bill lists extensive criteria that the court must review as to the admissibility of any evidence obtained during the interrogation. Sets out 11 specific and developmentally based criteria for the court to consider in a delinquency proceeding as to whether the minor has voluntarily knowingly and intelligently made any admission or confession in the case. *Passed the Senate, to the Assembly for committee assignment.*

**SB 1070 (Hancock, D. – Berkeley). Youth Offender Parole Hearings.** For those having state prison sentences for specified crimes committed prior to age 23, this bill confirms the eligibility of the prisoner for release on parole following a grant of parole made at a youthful offender parole hearing after having served specified periods of confinement. The bill further provides that the parole hearing is not required if the individual is serving a determinate sentence and will be released by operation of law under the terms of the determinate sentence less than 180 days from the scheduled hearing date. *In the Assembly Public Safety Committee.*

**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. *Passed the Senate, to the Assembly for committee assignment.*

**SB 1110 (Hancock, D. – Berkeley). Law Enforcement Assisted Diversion program.** Requires the Board of State and Community Corrections (BSCC) to award competitive grants to up to three jurisdictions for participation in a Law Enforcement Assisted Diversion (LEAD) pilot 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 service agency offering

drug treatment or related counseling services. As amended the bill sets out extensive criteria for the award of grants, including the need to establish collaborative partnerships between the justice and service agencies in participating jurisdictions. The bill now also includes detailed descriptions of the target service populations and the behaviors that qualify them for program intervention. It also now requires BSCC to contract with a nonprofit research entity, university or college to evaluate the effectiveness of the LEAD program, including specific outcome measures, with a report to the legislature and Governor to be submitted by January of 2020. The bill is silent as to how the pilot programs and BSCC grants would be funded. *Passed the Senate, to the Assembly for committee assignment.*

***SB 1143 (Leno, D.- S.F.). Juvenile detention room confinement.*** This bill is a refurbished version of prior bills seeking to establish limits on the solitary or “room” confinement of juveniles in state or local juvenile justice facilities. SB 1143 avoids the expression “solitary confinement”, instead setting out new conditions and limits on “room confinement”, which is defined as placement of a minor or ward in a locked sleeping room or cell with limited or no contact with persons other than facility staff and attorneys. The bill provides that room confinement shall not be used before less restrictive options have been exhausted (unless attempting those options poses a threat to safety or security); shall not be used for purposes of punishment, coercion, convenience or retaliation by staff; and shall not be used to the extent it compromises the mental or physical health of the minor. The bill further requires that a minor may be held for up to four hours in room confinement, after which the staff must either return the ward to the general population, consult with medical or mental health staff and/or develop a plan to reintegrate the minor with the general population. If room confinement is extended beyond four hours, the staff must document the reasons for its continuation, develop a plan to reintegrate the minor with the general population and obtain the written approval of the facility director every four hours for continued room confinement. Facilities covered by the bill include juvenile halls, probation camps and ranches, the state Division of Juvenile Justice, a regional youth education facility or youth correctional center, and “any other local or state facility used for the confinement of minors or wards”. To take effect 1/1/2018. *Passed the Senate, to the Assembly for committee assignment.*

***SB 1157 (Mitchell, D. – L.A.). Video and in-person visitation in local correctional facilities.*** As modified in Appropriations Committee, the bill now takes a slightly different approach to the use of video and electronic visitation in local correctional facilities (adult jails and detention facilities) and in county juvenile halls, camps or ranches. The bill now provides that where a covered adult or juvenile detention elects to use video or other types of electronic visitation, the facility must also provide for in-person visitation based on minimum visit schedules and terms as specified in the bill. The bill requires Type I and Type II (adult jail) facilities to allow a minimum of two in-person visits of not less than one hour per inmate per week, reduced to one visit totaling at least one hour per week for Type III and IV facilities. For affected local juvenile facilities, in person visits must be allowed by parents or guardians or persons standing “in loco parentis” for not less than two hours per week, subject only to the limitations necessary to maintain order and security and with no monitoring unless there is a safety or security need. For juvenile facilities, the further defines in-person to mean a visit in which the minor has contact with the visitor, is able to see the visitor through glass or is otherwise in an open room without contact with a visitor. *Passed the Senate, to the Assembly for committee assignment.*

***SB 1174 (McGuire, D. - Healdsburg). Psychotropic medication administered to children.*** Requires the Medical Board of California to conduct a quarterly analysis of Medi-Cal and managed care prescriber data on the administration of psychotropic medications to children in foster care,

juvenile halls, camps and ranches and in other settings as referenced in the bill. Adds to the list of physician practices subject to investigation by the Medical Board “repeated acts of excessive prescribing, furnishing or administering psychotropic medications to a minor without good faith prior examination of the patient and medical reason therefor”. Requires the Medical Board to review state child welfare data banks to determine whether there are potential violations of law related to excessive prescribing of psychotropic medications to children and sets out related enforcement provisions. *Passed the Senate, to the Assembly for committee assignment.*

***SB 1291 (Beall, D. – San Jose). Medi-Cal mental health plans for children under juvenile court jurisdiction.*** Requires county mental health plans created to provide Medi-Cal beneficiaries with managed mental health care to submit an annual foster care mental health service plan to the Department of Health Care Services, to include details on the number of Medi-Cal eligible children and youth under juvenile court jurisdiction who are served through the plan and details on the services provided. Recent amendments spell out extensive psychotropic medication monitoring requirements that must be detailed in the service plan. The Department must review the plan, identify deficiencies if any and review subsequent corrective action plans, and requires the Department to post plans and corrective action plans on its website. Additionally requires the Department to conduct annual audits of mental health plans for the administration of EPSDT benefits for children under juvenile court jurisdiction. Departmental enforcement sanctions previously in the bill have been deleted from the bill. *Passed the Senate, to the Assembly for committee assignment.*

***SB 1322 (Mitchell, D. – L.A.) Exemption of minors from prosecution for prostitution offenses.*** Amends Penal Code Sections 647 (b) (prostitution) and 653.22 (loitering for purposes of prostitution) to exempt from prosecution a child under the age of 18 who is alleged to have violated this subdivision. Provides that a commercially exploited child engaged in one of the covered prostitution-related activities may be adjudged a dependent ward of the court and may be taken into temporary custody as otherwise provided in the Juvenile Court law. *Passed the Senate, to the Assembly for committee assignment.*

***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), if the pupil to be transferred and the victim of the crime for which the pupil was convicted are enrolled in the same school. As amended, requires as a condition of making any such a transfer that the school board has first adopted a policy that provides for attempts to resolve conflicts prior to such transfer, for parents to be able to meet with school officials prior to transfer and for a process to review the transfer if made. *Passed the Senate, to the Assembly for committee assignment.*

*Bill digests by David Steinhart, Director, Commonweal Juvenile Justice Program. Updated reports are posted on our website at [www.comjj.org](http://www.comjj.org).*