

COMMONWEAL
The Juvenile Justice Program

**JUVENILE JUSTICE AND
RELATED YOUTH PROGRAM BILLS**

Pending in the 2013 Session of the California Legislature

March 1, 2013

This bulletin contains digests of bills introduced in the 2013 session of the California Legislature on the subjects of juvenile justice, youth crime and violence prevention and related youth program, school safety and probation foster care issues. The deadline for bill introduction was February 22. Status reports below are current through February 27. This report includes bills selected for their relevance in the named fields, but some bills touching on the subject matter may be omitted from this review. The full text and status of all bills can be found on the California legislative website at www.leginfo.ca.gov.

Assembly bills

AB 20 (Waldron, R. - Escondido). Fines for using government networks or property to access child pornography. Imposes, in addition to existing criminal penalties, a fine of up to \$2000 on persons convicted of specified offenses involving the use of government computers, networks or property to access obscene material depicting persons under 18 years of age. Creates county funds from the fines so assessed to support law enforcement and victim services related to human trafficking. *To the Assembly Public Safety Committee.*

AB 36 (Dahle, R. - Redding). Appointments of probation officers. Amends Sec. 270 of the Welfare and Institutions Code to require that the county Board of Supervisors direct the manner in which a probation chief is nominated by the juvenile justice commission. Vests the power of appointment and removal of the probation chief in the Board of Supervisors rather than the juvenile court. Applies to counties that do not specify an alternate method of appointment via a county charter provision. Also, for counties that have an adult probation chief, assigns the power of appointment and removal to the Board of Supervisors, in lieu of the Superior Court, unless a county charter provides otherwise. *To the Assembly Public Safety Committee.*

AB 202 (Donnelly, R. - Hesperia). School Marshal Program. Establishes the School Marshal Program authorizing school districts, county education offices and charter schools to use general purpose funds to train school marshals, defined as school employees who are authorized to possess a firearm at a school site or designated school activities. Protects school marshals from disclosure of personally identifying information that may be set forth in an application or license to carry a firearm. *To the Assembly Education Committee; double-referred to the Assembly Judiciary Committee.*

AB 218 (Dickinson, D. - Sacramento). Disclosure of criminal history on employment applications. Bars a state or local public agency from asking a job application to disclose any criminal history information on the initial employment application. Allows the agency to inquire into criminal history after initial screening has determined that the individual otherwise meets the minimum requirements for the job. *To the Assembly Judiciary Committee.*

AB 310 (Alejo, D. – Salinas) Gang, Crime & Violence Prevention Partnership. Adds the communities of Monterey and Salinas to those listed for inclusion in the Gang, Crime and Violence Reduction Partnership program and appropriates \$3 million from the state General Fund for that purpose. *To the Assembly Public Safety Committee.*

AB 364 (Calderon, D. - City of Industry). Inspections of community care facilities. Requires the state Department of Social Services to make unannounced site visits to community care facilities, including children's group homes accepting placements of probation youth, at least every two years rather than every five years under current law. *Not yet assigned.*

AB 420 (Dickinson, D. - Sacramento). School suspension in willful defiance cases. Reintroduces the author's vetoed 2012 measure to limit the authority of schools to expel high school students (in grades 9-12) for willful defiance or disruption of school activities. Provides that a pupil may be suspended, but not expelled, for willful defiance or disruption only after a third documented offense within a school year and provided that alternate methods of correction were first attempted. *To the Assembly Education Committee.*

AB 438 (Mitchell, D. – Culver City). Dual status minors. Current law on dual status minors (those subject to the combined welfare and delinquency jurisdiction of the court) prohibits the filing of a petition to make a minor simultaneously both a dependent child and delinquent ward of the court unless the county has written protocol for joint services to dual status children. This bill would delete the prohibition on the filing of a petition or entry of judgment to make the minor simultaneously both a depending child and ward of the juvenile court. *Not yet assigned.*

AB 452 (Brown, D. – San Bernardino). Homeless youth shelters. Exempts overnight shelters for unaccompanied or homeless youth, as defined, from community care facility licensing requirements under the Health and Safety Code (amending H&S Section 1505). *To the Assembly Human Services Committee.*

AB 592 (Fox, D.- Palmdale). "Reverse remand" provisions for minors transferred to adult criminal courts. Spot bill making a technical, nonsubstantive change to WIC Section 1170.17 which contains the complex provisions on sentencing of minors transferred to and convicted of crimes in adult court. *Not yet assigned.*

AB 631 (Fox, D.- Palmdale)). Juvenile court school curriculum. Authorizes a county board of education to implement a special course of study in math and English in juvenile court schools for youth who are performing three grades below grade level. *Not yet assigned.*

AB 700 (Gomez, D.- L.A.). Pupil instruction on voting. Commencing with the 2014-15 school year would require social science courses in grades 8 and above to include a voter education component on how to register and cast votes and use voter pamphlet information in local, state and federal elections. Requires the State Department of Education to develop a model curriculum framework for the additional voter education component. *To the Assembly Education Committee.*

AB 787 (Stone, D. – Santa Cruz). Enhanced services for nonminor dependent foster youth. Spot bill expressing legislative intent to enact law that would enhance service delivery for non minor dependent foster youth under AB 12. and the federal Fostering Connections to Success Act of 2008. *Not yet assigned.*

AB 915 (Jones-Sawyer, D. – L.A.). Juvenile Community Corrections Performance Incentives Act. Would set aside savings from reduced commitments to the Division of Juvenile Justice (DJJ) to support county-level services for youth found to have committed DJJ-eligible offenses listed in Welfare and Institutions Code Section 707 (b). The bill is modeled on the adult probation violator incentive program adopted in 2009 (Leno, SB 678). Under this bill, counties with reduced DJJ commitments would have priority access to community corrections performance incentive funds. The bill creates a Youthful Offender Block Grant Part B account that is to be funded with state savings attributable to declining annual populations of offenders in DJJ institutions. Seventy-five percent of the annual savings (as calculated by the state Department of Finance) would be deposited YOBG Part B fund to pay for local programs and services for WIC 707 (b) (DJJ-eligible) youth. Funds would go to counties based on a formula that includes: 40 percent to counties showing declines in DJJ commitments, 40 percent in competitive grants to all counties to expand services for WIC 707 (b) offenders and 20 percent to fund technical assistance to counties on model practices for high-need juvenile offenders. The Board of State and Community Corrections is tasked with defining best-practices for the youth offender target population consistent with criteria specified in the bill. *To the Assembly Public Safety Committee.*

AB 992 (Perea, D. - Fresno). Juvenile sex offender registration. Extends the juvenile sex offender registration requirement in Penal Code Section 290.008 to cover youth who were not committed to the Division of Juvenile Justice but who, instead, were placed by a local court on probation for the commission of any sex offense listed in Section 290.008. *Not yet assigned.*

AB 1006 (Yamada, D. - Woodland). Information disclosure on sealing of juvenile court delinquency records. Requires each court and probation department to ensure that information on eligibility and procedures for sealing and destruction of delinquency records is provided to each juvenile who is taken into probation custody under WIC Section 626 and to each juvenile who is the subject of a wardship petition filed on or after January 1, 2015. Requires the Judicial Council to develop informational materials to implement the bill. *Not yet assigned.*

AB 1110 (Mansoor, R. – Costa Mesa). Foster care out-of-home placement criteria. Spot bill making a technical, nonsubstantive amendment to WIC Section 16000 which describes legislative intent on the criteria and preferences for the out-of-home placement of foster children. *Not yet assigned.*

AB 1123 (Patterson, R. - Fresno and Nestande, R. – Palm Desert). Criminal street gangs. Spot bill making a technical, nonsubstantive amendment to Penal Code Section 186.22 regarding offenses and sentences for members of criminal street gangs. *Not yet assigned.*

AB 1171 (Levine, D. – San Rafael). Pilot program on supplying records to nonminor dependents. Establishes a pilot program in three counties to be selected by the state Department of Social Services to assist nonminor dependents (under AB 12) aged 16 and older in obtaining copies of their health, school, driving, court and other records. *To Assembly Human Services Committee.*

AB 1197 (Jones-Sawyer, D. – L.A.). Performance outcome measures for Youthful Offender Block Grant funds. Spot bill declaring legislative intent to enact law that will require a county, as a condition of receipt of Youthful Offender Block Grant funds (under 2007 Division of Juvenile Justice Realignment), to collect and report countywide performance outcomes and expenditures to the Board of State and Community Corrections for inclusion in annual reports. *Not yet assigned.*

AB 1216 (Campos, D. – San Jose). Means of correction for pupils engaged in bullying. Overrides the current Education Code sanctions and responses for pupils who engage in one or more acts of bullying, as defined, by providing that at the option of the pupil’s parent or legal guardian, the pupil may either be a) suspended or expelled or enlisted in alternative means of correction provided by the principal or the school district, or b) attend a class designed to prevent and eradicate bullying to be conducted by the school district. *Not yet assigned.*

AB 1238 (Weber, D. – Lemon Grove). Re-entry work training programs. Requires the Department of Corrections and Rehabilitation to establish up to five reentry work training programs for parolees between 18 and 24 years of age, including but not limited to training in the construction trades, enrollment in high school diploma or equivalency programs and counseling or mentoring from adult role models. *Not yet assigned.*

AB 1276 (Bloom, D. - Santa Monica). Parole for nonhomicide offenses committed while a juvenile. Adds Section 3051 to the Penal Code stating that a person convicted of a nonhomicide offense shall be given “a meaningful opportunity for parole or other form of supervised release” after having served 25 years in state prison.

AB 1283 (Bonilla, D. – Concord). Internet resources for homeless and runaway youth. Requires the state Advisory Group on Juvenile Justice and Delinquency prevention, as established under the federal Juvenile Justice and Delinquency Prevention Act, to study the feasibility of an internet website for runaway and homeless youth that would include a directory of service providers and information on the rights of homeless and runaway youth. *Not yet assigned.*

AB 1325 (J. Perez, D. - L.A.). Vandalism spot bill. Spot bill making technical, nonsubstantive change to the vandalism section of the Penal Code (Sec. 594). *Not yet assigned.*

Senate bills

SB 61 (Yee, D. – S.F.). Juvenile solitary confinement. Imposes stringent new limits on solitary confinement of minors who are detained in or committed to any juvenile facility or to any other state or local secure facility. Prohibits the use of solitary confinement unless “the minor or the ward poses an immediate and substantial risk of harm to others or to the security of the facility, and all other less-restrictive options have been exhausted”. Sets out guidelines for the use of solitary confinement when allowed, including time limits, periodic face-to-face clinical evaluations and special criteria for the isolation of minors who exhibit suicidal or self-destructive behavior. Amends codes sections on the makeup and responsibilities of local juvenile justice commissions, requiring the addition of at least two parents or guardians of incarcerated youth plus a mental health professional as defined. Requires each juvenile justice commission to annually review local records of juvenile solitary confinement and to produce information on “the condition of juvenile

justice corrections” in annual reports that must be published on a county-operated website. *To the Senate Public Safety Committee.*

SB 127 (Gaines, R. - Redding). Gun possession by mentally disordered persons and sex offenders. Current law prohibits the purchase or possession of a firearm or other deadly weapon by any person who has been adjudicated by a court of any state to be a danger to others as a result of a mental disorder or a mentally disordered sex offender, but allows a court to certify that such a person may possess a firearm or deadly weapon. This bill removes the court’s authority to certify that such a person may purchase or possess a firearm or deadly weapon. *To the Senate Public Safety Committee.*

SB 114 (Pavley, D. – Agoura Hills). Sexually exploited minors L.A. pilot project. Revises the sunset date for the Los Angeles commercially exploited minors pilot project from 2014 to 2017. *Not yet assigned.*

SB 166 (Liu, D. - Glendale). Minimum training requirements for juvenile defense attorneys. Requires the Judicial Council to adopt Rules of the Court establishing minimum hours and standards of training and education necessary for an attorney to be appointed counsel for a minor in a delinquency proceeding (under Section 601, status offenses, or Section 602, criminal offenses, of the Welfare and Institutions Code). While not specifying the minimum number of hours, the bill does set out guidelines for the training including: coverage of developments in delinquency law, child and adolescent development, special education, mental health, child abuse and ethics; qualifying the training for MCLE (continuing education) credits with the State Bar; and rules for the engagement of experts by defense counsel. Training of prosecutors in juvenile court is not addressed by the bill. *To the Senate Public Safety Committee.*

SB 188 (Liu, D. – Glendale). CDCR Conservation Camps. Requires the California Department of Corrections and Rehabilitation (CDCR) to utilize inmates and wards in its conservation camps in performing fire prevention, fire control and other work of the Dept. of Forestry and Fire Protection. Would apply to wards in the surviving Div. of Juvenile Justice camp at Pine Grove. *Not yet assigned.*

SB 199 (deLeon, D. – L.A.). Adding rank and file members to local Community Corrections Partnerships. Reintroduces part of last year’s vetoed bill that would have added rank-and-file law enforcement deputies to the Board of State and Community Corrections (BSCC) and to local Community Corrections Partnerships (CCPs) responsible for local prison realignment plans and programs. This bill adds a rank and file deputy sheriff or police officer and a rank and file probation officer to the local CCP, to be selected by “the local labor organization”. The bill does not change the membership of BSCC. *To the Senate Public Safety Committee.*

SB 206 (Emmerson, R. – Palm Desert). Sibling placements. Spot bill making technical, nonsubstantive changes to Sec. 16004 of the Welfare and Institutions Code which requires the state Dept. of Social Services, in consultation with Chief Probation Officers of California and the County Welfare Directors Association, to recommend procedures for placing siblings together when one or more siblings are ordered into dependency or delinquency placements by the Juvenile Court. *In Rules Com., not yet assigned.*

SB 226 (Emmerson, R. – Palm Desert). Prison instead of jail for mentally disordered offenders. Creates an additional exception to eligibility of adult felons for county jail under 2011 corrections realignment, by requiring commitment to state prison, rather than county jail, for felony offenders who have been evaluated and been found to have a severe mental disorder. *To the Senate Public Safety Committee.*

SB 260 (Hancock, D. – Berkeley). Spot bill on sentence review for persons imprisoned for crimes committed as a juvenile. States intent of the Legislature to enact legislation to create an alternate judicial mechanism for reconsidering the sentences of individuals who were convicted of crimes as children and after having served a significant amount of time in state prison. *Not yet assigned.*

SB 343 (Yee, D. – S.F.) Documents and services to be provided to foster youth approaching age of majority. Adds Section 391 to the Welfare and Institutions Code, requiring the county welfare department to submit a report to the dependency court when the minor attains the age of 16 verifying that listed documents and services have been provided to the minor including: social security card, drivers license, copy of birth certificate, assistance in obtaining employment or financial support and assistance with vocational or educational needs. At a review hearing just prior to attaining age 18, the minor is to be provided with additional information and services by the county welfare department including assistance in obtaining housing and assistance in establishing the youth's eligibility for assistance under the provisions of AB 12 as a nonminor dependent entitled to continuing assistance and services beyond age 18. *Not yet assigned.*

SB 458 (Wright, D. - Inglewood). Statewide gang database. Requires local law enforcement to notify parents or guardians of any person under age 18 who is enrolled in the statewide gang database that is maintained by the Attorney General. Also requires the Department of Justice to update the statewide gang data base every five years. *Not yet assigned.*

SB 466 (DeSaulnier, D. – Walnut Creek and Wolk, D. – Vacaville). California Institute for Criminal Justice Policy. Cites legislative intent and statewide need to create an independent, data-driven and non-partisan institution to promulgate best- and evidence-based practices in the California criminal justice system. Establishes the California Institute for Criminal Justice Policy, to be housed at the University of California and to perform the following functions: a) to "...conduct a cost-benefit analysis for each pending legislative measure relating to criminal justice" and b) to determine "...the potential effectiveness the policy based on evidence in the field of criminal justice." The Institute is required to provide its analysis to the appropriate legislative committee not later than 60 days after receiving a request to produce an analysis from a committee. *Not yet assigned to committee.*

SB 544 (DeSaulnier, D. – Walnut Creek). California Violence Prevention Authority. Creates the California Violence Prevention Authority within the state Department of Justice. Lists the duties and responsibilities of the Authority to include: develop a statewide violence prevention plan; coordinate statewide violence prevention efforts; and seek and administer violence prevention funds for a variety of health, family and community violence prevention programs and approaches described in the bill. Creates a Violence Prevention Fund within the state Treasury to receive revenue necessary to carry out the mission of the Authority. Establishes a state Advisory Board for the Authority, chaired by the Attorney General and the Director of Public Health, and including the heads of other interested state departments as well as six public members. No appropriation, defers to a future, unspecified appropriation to the Department of Justice to implement the bill. *Not yet assigned.*

SB 561 (Fuller, R.- Bakesfield). Mental health evaluations for expelled pupils. Requires that a pupil expelled from school for an offense listed in Section 48915 (a) or (c) of the Ed. Code must have a mental health evaluation by a licensed clinical psychologist before he or she can enroll in a juvenile court school or a county community or day school for expelled students. (Sections 48915 (a) and (c) list assault, sex, weapons and drug offenses that are grounds for pupil expulsion). *Not yet assigned.*

SB 632 (Calderon, D. – Montebello). Gang spot bill. Spot bill stating legislative intent to enact legislation to promote public safety by reducing the number of youths in gangs. *Not assigned.*

SB 634 (Price, D. - L.A.). School safety plans. Amends Education Code to require that school safety plans include minimum requirements and standards for schools to prepare for emergencies including mandatory annual evacuation and law enforcement lockdown drills. Requires the state Dept. of Education to distribute information on model school safety plans including guidelines for the training of school personnel in emergency preparedness and violence prevention. Adds new curriculum requirements for elementary and secondary schools for instruction of pupils on the effects of tobacco, alcohol and drugs. Requires the Dept. of Education, in coordination with the Office of Emergency Services, to develop a model gang violence and substance abuse suppression and prevention curriculum to be made available to schools for grades 2, 4 and 6, modeled on an existing Orange County program. Requires the Dept. of Education to develop guidelines and to assist schools in training school personnel in comprehensive school safety plan implementation. Includes multiple other provisions related to school safety plans. *Not yet assigned to committee.*

SB 744 (Lara, D. – Long Beach). Community schools—enrollment and curriculum. Amends the Education Code list of probation youth who can be enrolled in a community school by eliminating referrals by probation if youth or section 300 (dependency) or 601 (status offenses) jurisdiction. Retains probation authority to refer to a community school under section 602 or 654 of the WIC (delinquency, informal supervision) or who is on formal probation. Provides that a referral to a community school may be challenged by the pupil in Juvenile Court with a request for enrollment in a different school. Provides that a pupil enrolled in a community school may re-enroll in his or her former school within six months or immediately after the expiration of longer expulsion period. Modifies the individual education plan requirements for community schools by adding components on medical and mental health needs, non-English language assistance, development of positive relationships with school personnel and preparation for high school exit exams and college prep classes. *Not yet assigned.*

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