

COMMONWEAL
The Juvenile Justice Program

**JUVENILE JUSTICE AND YOUTH
CRIME & VIOLENCE PREVENTION BILLS**
Summary of bills signed or vetoed by the Governor

Updated October 1, 2012

This report contains digests of bills that have been sent to the Governor by the Legislature for signature or veto, as of the end of the 2012 session. Bills tracked in this report cover the subjects of juvenile justice, youth crime and violence prevention and related youth programs and placements. This update also includes Governor's action on bills proposing changes in school discipline, suspension and expulsion procedure. The Governor's last day for acting on bills was September 30th. Bills signed into law are effective January 1, 2013, unless they are urgency measures as noted. The full text and status of all bills (including when an enrolled bill has been received by the Governor) can be found on the California legislative website at www.leginfo.ca.gov.

Assembly bills

AB 324 (Buchanan, D.- San Ramon). Sex offender eligibility for commitment to the Division of Juvenile Justice (DJJ). Overcomes the 2011 California Supreme Court ruling in *In re. C. H.*, which held that due to statutory drafting flaws, juvenile sex offenders lacking a WIC 707 (b) (adult court) adjudicated offense are not eligible for commitment to the Division of Juvenile Justice. This bill revises the DJJ realignment provisions adopted in 2007 (SB 81) to clarify the authority of the Juvenile Court to commit a juvenile to DJJ on a non-707 sex offense for which registration is required under Penal Code Section 290.008. The bill also permits counties to contract with DJJ to continue to house committed sex offenders in DJJ facilities, thus authorizing continued DJJ confinement on a contract basis for juvenile sex offenders whose DJJ commitments were invalidated by the ruling of *In re. C.H.* Signed into law, *Stats of 2012, Chapter 7. Urgency measure effective February 29, 2012.*

AB 526 (Dickinson, D. - Sacramento). Board of State and Community Corrections. Adds mandates for the new Board of State and Community Corrections (BSCC). Requires BSCC to identify delinquency and gang prevention grants having similar purposes and target populations for the purpose of consolidating these grant programs and adopting a single grant application process. As amended in the Senate in June, requires BSCC to develop funding allocation policies by July 1, 2014 to "ensure that within three years no less than 70 percent of funding for gang and youth violence suppression, intervention and prevention programs and strategies is used in programs that utilize promising and proven evidence-based principles and practices". Requires BSCC to develop "incentives for units of local government to develop comprehensive regional partnerships whereby adjacent jurisdictions pool grant funds in order to deliver services to a broader target population and maximize the impact of state funds". A late June amendment makes it clear that the grant-related provisions of the bill will not apply to juvenile justice grant programs now funded through 2011 "realignment" (i.e., excluding application to JJCPA, Juvenile Probation Camp Funds and Youthful Offender Block Grant funds). Signed into law, *Stats of 2012, Chapter 850.*

AB 1712 (Beall, D. – San Jose). AB 12 cleanup bill on extended benefits for foster youth beyond age 18. Yet another massive (250 page) cleanup bill covering multiple issues and provisions related to AB 12, the 2010 reform bill that implemented the federal Fostering Connections to Success program in California, extended numerous rights, service options and benefits to transition age foster youth up to age 21. Among many other technical provisions, the bill redefines THPP-Plus Foster Care programs as community care facilities subject to CDSS community care licensing and regulation; makes non-minor dependents eligible for CASA (Court Appointed Special Advocate) programs; adjusts court procedures on notice, reports and termination of jurisdiction; and makes other substantive and technical changes too numerous to cover here. As amended, an urgency bill to take effect immediately upon final adoption. Amended in May to extend benefits for 19 year olds whose benefits would otherwise terminate in January 2013 under the phase-in provisions of the bill. Readers concerned with AB 12 amendments should consult the bill or other specialists in the field for additional details. *Signed into law, Stats. of 2012, Chapter 846.*

AB 1729 (Ammiano, D.- S.F.). School suspension and expulsion. States intent to address inappropriate or unnecessary suspensions and expulsions of pupils of based on color, disability or sexual orientation. Changes the description of school-based behaviors, including bullying, that constitute grounds for pupil suspension or expulsion. Expands and re-defines the list of alternative and other means of correcting behavior problems prior to suspension, and authorizes school districts to document the alternatives and other means of correction used and to place the documentation in the pupil's record. *Signed into law, Stats. of 2012, Chapter 425.*

AB 1856 (Ammiano, D.- S.F.). Foster care training requirements. Adds new training requirements for licensed foster care and group home providers in California, to include “instruction on cultural competency and sensitivity relating to, and best practices for, providing adequate care to lesbian, gay, bisexual, and transgender youth in out-of-home care.” Adds, to the foster care bill of rights, (WIC Section 61000.9) the right to have caregivers who have received this additional training. *Signed into law, Stats. of 2012, Chapter 639.*

AB 1909 (Ammiano, D. – S.F.) Foster care education liaisons and school suspension procedures for foster youth. Seeks to ensure that notice and participation rights now available to parents and guardians in school discipline proceedings are extended to individuals who have the right to make educational decisions for a foster child who is subject to those proceedings. Makes numerous changes affecting responsibilities of foster care education liaisons. Adjusts education code procedures on discretionary suspension and expulsion of pupils who are placed in foster care. Makes other education code changes affecting children placed out-of-home. *Signed into law, Stats. of 2012, Chapter 849.*

AB 1956 (Portantino, D. - Pasadena). DJJ Tattoo removal program. Amends existing WIC Section 1915-16 provisions setting up a tattoo removal program operated by the Division of Juvenile Justice in cooperation with other public and community-based agencies serving offenders between the ages of 14 and 24. Expands eligibility for tattoo removal services under a grant program established by WIC Section 1916, presently limited to those with gang related tattoos, to include those with tattoos received for “identification in trafficking and prostitution”. Substitutes the Board of State and Community Corrections for CalEMA as the administrator of the tattoo removal grant program. Encourages the BSCC to dedicate a share of Byrne Juvenile Assistance Grant dollars to support the tattoo removal programs. *Signed into law, Stats. of 2012, Chapter 746.*

AB 2031 (Fuentes, D. - Los Angeles). Board of State and Community Corrections, local Community Corrections Partnerships. As amended in the Senate Public Safety Committee in July, adds four members (all Governor's appointees with Senate confirmation) to the 12 member Board of State and Community Corrections, raising the Board total to 16 members. The additional members would include:

- One additional public member,
- One probation officer or deputy juvenile probation officer,
- One deputy sheriff at sergeant or lower rank, and
- One social worker with experience serving at risk youth, adult criminal offenders or persons with alcohol or substance abuse problems.

These amendments replace the original BSCC add-ons of rank and file deputy sheriffs and probation officers. As amended, the bill also adds four members to local Community Corrections Partnerships (CCPS) making decisions on adult corrections realignment reforms, redefined in as follows:

- A rank and file deputy sheriff, to be appointed by the local labor organization,
- A rank and file probation officer, to be appointed by the local labor organization,
- A rank and file social worker employed by the county department of social services, and
- A counselor employed by a county alcohol and substance abuse program.

Vetoed. In his veto message, the Governor says, "The membership of the Board and the local Partnerships was something I carefully considered and crafted as part of my realignment proposal. To date, I have not seen credible evidence that would convince me to change the original design."

AB 2040 (Swanson, D. – Oakland). Sealing juvenile records of prostitution offenses, pleas in prostitution cases. Amends the records sealing provisions of the Juvenile Court law by allowing a minor who was adjudicated for a listed prostitution offense, upon reaching the age of 18, to petition the Court to have his or her record sealed without also having to show that there has been no subsequent conviction for a felony or for a misdemeanor involving moral turpitude. *Signed into law, Stats. of 2012, Chapter 197.*

AB 2060 (Bonilla, D. - Martinez) Juvenile court ward education decisions. Requires the Juvenile Court, upon limiting parental education rights of wards in dependency or delinquency proceedings, to determine whether there is a relative, nonrelative extended family member or other adult known to the child who can serve as the child's educational representative or surrogate, before appointing an educational representative who is not known to the child. Authorizes the court to make education decisions for the child under specified circumstances. Outlines requirements for representatives or surrogates who make education decisions for the ward. *Signed into law, Stats. of 2012, Chapter 176.*

AB 2242 (Dickinson, D. – Sacramento). Limits on school suspension. Substitutes more restrictive criteria for suspension or expulsion of a pupil in grades 4-12 on the basis of disruptive behavior, by requiring that the behavior be severe or pervasive behavior reasonably likely to create substantial disorder. For lesser forms of disruption or defiance of school authorities, the bill provides that the pupil may be subject to other means of correction including community service during nonschool hours or in-school suspension in a supervised suspension classroom, but not including an extended suspension or to an expulsion from school. *Vetoed by the Governor. In his veto message, the Governor says: "I cannot support limiting the authority of local school leaders, especially at a time when budget cuts have greatly increased class sizes and reduced the number of school personnel. It is important that teachers and school officials retain broad discretion to manage and set the tone in the classroom."*

AB 2530 (Atkins, D. – San Diego, Mitchell, D.- L.A, and Skinner, D- Berkeley). *Limits on restraints applied to pregnant women in state and local correctional facilities.* Extends existing protections for pregnant women in state and local corrections facilities, including those confined in the Division of Juvenile Justice and local juvenile justice facilities. Specifically prohibits a pregnant inmate or one who is in labor or recovery after delivery from being restrained by leg irons, waist chains or handcuffs behind the body. Further provides that pregnant inmates in labor or delivery or recovery after delivery shall not be restrained by wrists or ankles unless deemed necessary for the safety and security of the inmate, the staff or the public. Requires the Board of State and Community Corrections to adopt conforming standards for local detention facilities at its next biennial standards review after enactment of the bill. *Signed into law, Stats. of 2012, Chapter 726.*

AB 2537 (M. Perez, D.- Coachella). *School expulsion criteria.* Changes to the listed offenses for which a pupil must be recommended for expulsion by the principal or superintendent of the school—for example, by exempting possession of over-the-counter medications or medication prescribed for the pupil. Authorizes a principal or superintendent to not recommend expulsion for listed offenses if he or she determines that it should not be recommended under the circumstances or (as a new and added consideration) if he or she determines that an alternative means of correction would address the conduct. Specifies that possession of an imitation firearm is not an automatic suspension or expulsion offense. Removes the infraction for willful failure to report suspension and expulsion information to local law enforcement. *Signed into law, Stats. of 2012, Chapter 431.*

Senate bills

SB 9 (Yee, D. – S.F.). *Juvenile life without parole (LWOP) sentences.* Reintroduction of this author's juvenile LWOP bills that failed passage in previous sessions. Provides for periodic review and resentencing of juveniles with LWOP sentences. After having served 15 years of an LWOP sentence, a defendant who was under 18 at the time of the crime may petition the sentencing court for recall of the LWOP sentence and re-sentencing. In July 2012 amendments, certain defendants are ineligible for this relief including juveniles LWOP defendants sentenced for crimes where the victim was tortured, was a public safety officer or firefighter or law enforcement officer in any government agency. For eligible petitioners, the court must then hold a recall and resentencing hearing if the defendant meets one of four criteria related to criminal and rehabilitation history. Based upon review at the hearing of eight factors related to the defendant's criminal and developmental history and progress toward rehabilitation, the Court may recall the LWOP sentence and re-sentence the defendant, provided that the new sentence is not greater than the initial sentence. If the LWOP sentence is not recalled on the first attempt, the defendant may reapply for recall after having served 20 and (for the last time) 24 years. Other procedural details are in the bill which has retroactive application. Narrowly defeated in an Assembly floor vote last year, the bill is up again for a reconsideration floor vote in 2012. *Signed into law, Stats. of 2012, Chapter 828.*

SB 1048 (Liu, D. – Pasadena). *Service providers as parties in juvenile proceedings.* Under current law the Juvenile Court may join in a juvenile dependency or delinquency proceeding any agency that has failed, in the Court's determination, to meet a legal obligation to provide services to the minor. This bill expands the joinder provision in WIC 601/602 cases by adjusting the definition of agencies that may be joined to include public or private agencies receiving any public funds. In addition, the bill clarifies the authority of the Court to join such an agency any time after a 601 or 602 petition has been filed. As amended, extends the joinder authority to cover non-minor dependents who may be

over the age of 18 under the provisions of AB 12. Exempts cases under the jurisdiction of the state Division of Juvenile Justice. *Signed into law, Stats. of 2012, Chapter 130.*

SB 1088 (Price, D.- L.A.) School re-enrollment after juvenile justice contact. Provides that a pupil shall not be denied enrollment or readmission to a public school solely on the basis of having had contact with the juvenile justice system, including arrest, adjudication, detention and formal or informal supervision by a probation officer. *Signed into law, Stats. of 2012, Chapter 381.*

SB 1098 (La Malfa, R. - Butte). CDCR classification information on forestry camp inmates and wards. Requires CDCR to furnish all inmate and ward classification score documents to Department of Forestry and Fire Protection personnel stationed at the forestry camp in which the inmate or ward is placed. Vetoed by the Governor on the basis that CDCR “*already provides classification information on each inmate that participates in a conservation camp. Consequently, this bill is unnecessary.*”

SB 1235 (Steinberg, D.- Sacramento). Reductions of subgroup disproportionality in school suspensions. Significantly modified in late August to *encourage* (rather than to *require*) school districts, starting in 2014-15, to implement one of two listed strategies to reduce suspension rates that (in the prior school year) exceeded 25 percent of the schools total enrollment or of any numerically significant subgroup of the school’s enrollment. Defines a numerically significant subgroup to apply to five categories of students, each to consist of not less than 50 pupils and at least 15 percent the school’s population, or alternatively to consist of a minimum of 100 enrolled students. The four subgroup categories to which these minimums apply are: racial and ethnic subgroups, socioeconomically disadvantaged pupils, English learners, pupils with disabilities and gender-based subgroups. The listed suspension reduction strategies are 1) evidence-based, schoolwide positive behavioral interventions supporting broad measures of pupil success, or 2) other schoolwide strategies that are evidence-based and designed to address school climate to and to create positive learning environments. Requires the Superintendent of Public Instruction, commencing in the 2015-16 school year, to invite a school that exceeds threshold suspension limits to a regional forum to receive training and technical assistance on suspension reduction strategies. Imposes related notice and training requirements on the Superintendent of Public Instruction. Makes these requirements contingent upon the availability of funds. *Vetoed by the Governor. In his veto message, the Governor says, “My preference is to leave the matter of student suspension to local school boards and the citizens who elect them. I understand the author’s concern, which is why I have signed a number of other bills aimed at reducing the number of student suspensions and expulsions”.*

SB 1319 (Liu, D. – Pasadena). Foster family homes, community care nursing staff, CDSS regulation waivers. Provides that licensed foster family homes shall have insulation from civil penalties under the Community Care Facilities Act, on a par with certified foster family homes of foster family agencies under current law. Removes the year 2014 sunset on CDSS authorization of the use of volunteers as caregivers in crisis nurseries under defined circumstances. Removes the year 2014 sunset on community care facility standards governing nursing staff in community treatment facilities serving children not requiring 24 hour nursing coverage. Adjusts the regulatory weights that determine a payment (RCL) level for a group home to account for the ratio of AFDC-FC eligible and non-eligible children in the facility. Removes the sunset on the exemption from CDSS child day care licensing for crisis nurseries. Allows CDSS to extend regulation waivers granted under WIC Section 18987.62 for additional three year increments. *Signed into law, Stats. of 2012, Chapter 663.*

SB 1568 (DeSaulnier, D. – Concord). School placements for former foster youth. Current law sets out the criteria for permitting a foster child (including a probation foster child under the Court's delinquency jurisdiction) to continue to attend his or her school of origin upon replacement or termination of jurisdiction. SB 1568 expands these provisions by providing that a former foster child who is in high school may, upon termination of court jurisdiction, continue to attend his or her school of origin through graduation. As amended in June, also provides that a former foster child in grades 1 through 8 whose court jurisdiction has been terminated can continue in his or her school of origin through the end of the academic school year. *Signed into law, Stats. of 2012, Chapter 578.*

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