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JUVENILE JUSTICE AND RELATED YOUTH PROGRAM BILLS End of Session Report on 2018 Bills

September 5, 2018 – Final legislative outcomes for tracked bills

This bulletin describes legislative action on bills Commonweal has been tracking in the 2018 session on the subjects of juvenile justice, youth crime and violence prevention, probation foster care and related matters. The 2018 legislative session ended on August 31. Many key bills on our tracking list were scheduled for final floor votes during the last week of the session. This edition covers amendments and outcomes for tracked bills that were still active as of our last report (August 13). It tells you whether a measure has passed both houses and has been sent to the Governor or has failed to make the final cut. Floor votes where shown are aye-no-not voting. In this edition, we omit coverage of previously tracked bills that failed earlier in the session. Since this is the second year of the two-year session, bills that failed to gain Legislative approval this year do not survive and may not be taken up again in the new two-year session beginning in 2019. The Governor has until September 30 to sign or veto pending bills that were approved by the Legislature. The full text of any bill can be accessed on the state legislative website at www.leginfo.legislature.ca.gov. More information on legislation, budget and policy issues affecting a range of youth justice subjects is available on the Commonweal Juvenile Justice Program website-- www.comjj.org.

Assembly bills

AB 1214 (Stone, D. – Santa Cruz). Juvenile competency in delinquency proceedings. Last year, Governor Brown vetoed Stone's AB 935, now substantially revived as AB 1214. AB 1214 would expand the definition of incompetency, beyond inability to understand the proceedings or assist counsel, to include elements related to mental illness, development disability and immaturity. Under the bill, where the court finds substantial evidence raising doubt about the competency of a minor in a WIC 601 or 602 proceeding, the court must suspend delinquency proceedings and appoint an expert to evaluate the minor's condition and competency. AB 1214 sets out qualifications for the expert including expertise in child and adolescent development, and it includes detail on the methods that must be employed by the expert in making his or her determination and recommendation to the court. Provides that additional experts may be retained by the district attorney or minor's counsel to supplement the testimony of the court appointed expert. Requires the competency determination to be made in an evidentiary hearing with a presumption that the minor is competent. If the minor is found by the court based on a preponderance of evidence to be incompetent, minor must be referred for remediation services designed to restore competency. The remediation period cannot exceed one

year. If competency is considered to be restored during the remediation period, the delinquency proceedings are reinstated. During remediation, the bill states limits on any secure confinement lasting longer than six months from the finding of incompetency. A special provision allows those found incompetent and charged with listed serious (WIC 707) offenses to be detained for longer periods not to exceed 18 total months. (These time limits for remediation and confinement were subjects of intense debate when the predecessor bill, AB 935, was passed and then vetoed last year). If it is determined that competency cannot be restored through remediation within six months, the court must dismiss the delinquency petition. Requires the Judicial Council to adopt court rules to implement the revised procedure. ***Senate floor vote was 28-9-3. Final Assembly floor vote was 50-21-9. Enrolled to the Governor.***

AB 1584 (Gonzales-Fletcher, D.- San Diego). DNA sample collection from minors. This bill was amended on August 17th to change the code section governing DNA sample collection from minors and to provide further detail on how such DNA samples can be used once taken. As amended the bill lays out the process for DNA sample collection from minors in Welfare and Institutions Code Section 625.4. The bill retains a ban on law enforcement collection of biological samples including DNA from any minor who is under criminal investigation for participation in a crime, unless the minor's consent to the sample is obtained following the procedure included in the bill. Under that procedure, the law enforcement agency must inform the minor of the right to refuse consent, the right to expunge the sample and the right to consult with parents and an attorney. The bill requires that the minor be provided the opportunity to consult privately with parents, guardian or counsel prior to giving consent to sample collection. The bill also provides that the detention of the minor may not be extended due to delays in the required contact and engagement of parents, guardian or counsel. In addition, the bill now provides that the DNA sample if taken can be analyzed and used only in relation to the crime or investigation for which the sample was initially taken. The bill also provides a timeline and procedure for expungement of the sample from DNA data bases. ***Passed the Senate 38-0-2; final Assembly floor vote was 77-0-3. Enrolled to the Governor.***

AB 1617 (Bloom, D.- Santa Monica). Access to confidential juvenile case files on appeal. AB 1617 would amend the confidentiality section of the Juvenile Court Law (Welfare and Institutions Code Sec. 827) to permit an individual who files a writ or notice of appeal from a Juvenile Court order, or a respondent or real party in interest to the writ or appeal, to inspect and copy juvenile case files for use in the appeal or proceeding where access to the record was previously granted to the individual in the matter by the Juvenile Court. ***Passed the Senate 37-0-3, final Assembly vote 77-0-3. Enrolled to the Governor.***

AB 1744 (McCarty, D. - Sacramento). After School Education and Safety Act (ASESA) and 21st Century After School programs: substance abuse prevention services, marijuana taxes. AB 1744 amends the ASESA to add, to the "educational enrichment" element that ASESA programs may offer, the option of offering "youth development activities that promote healthy choices and behaviors in order prevent and reduce substance abuse and improve school retention and performance". The bill also amends the 21st Century High School After School Safety and Enrichment for Teens program by adding the same substance abuse/school retention service elements. As amended the bill requires the state Dept. of Health Care services to enter into an agreement with the Department of Education to implement and allocate funds to designated ASESA programs. The bill also amends the 2016 marijuana initiative adopted by California voters to provide that marijuana taxes allocated to a youth fund established by the initiative may be used to support the substance abuse services authorized by the bill for the ASESA and 21st Century after school programs. ***Passed the Assembly 73-0-5. Held in the Senate Appropriations Committee. Dead.***

AB 1930 (Stone, D – Santa Cruz). Resource family applications. In early June this bill was massively amended to recast code provisions affecting the resource family qualification and approval process under the state’s Continuum of Care Reform (CCR). As amended, the bill alters procedures for emergency placements of dependent youth with resource family applicants who have yet to complete the required home environment, permanency planning or psychosocial assessments or whose criminal background checks are still pending. The bill also adjusts confidentiality provisions relating to the resource family application and approval process. Makes multiple and additional changes in the resource family application/ approval process. ***Passed the Senate 39-0-1, final Senate Floor vote 79-0-1. Enrolled to the Governor.***

AB 2043 (Arambula, D. – Fresno). Family Urgent Response System and hotline for foster children and youth and caregivers. AB 2043 states legislative intent to improve system responses and coordination of services in relation to the state’s Continuum of Care Reform (CCR) that has shifted foster children and youth from traditional group homes to family-based or high-end residential care. As amended, AB 2043 requires the state Department of Social Services to establish a 24-hour hot line by January 2020 for current and former foster children/youth and their caregivers who have emotional, behavioral or other needs that require immediate support response to prevent placement disruptions and to help connect foster youth and caregivers to community services. The bill also requires child welfare, probation, and behavioral health agencies, in each county, to establish by January 2020 a Family Urgent Response System defined as “ a coordinated statewide, regional, and county-level system designed to provide collaborative, timely, in-home, in-person mobile crisis response for purposes of stabilizing the living situation, mitigating the distress of the caregiver or child or youth, and connecting the caregiver and child or youth with linkages to the existing array of local services”. The bill lists the service requirements and components that must be provided by each county under the Family Urgent Response System including phone crisis intervention, deployment of mobile response teams having 24/7 availability, providing in-person responses within 3 hours of a call and providing other services and linkages described in the bill. Requires counties to submit comprehensive Family Urgent Response System plans to the state Dept. of Social Services by April of 2019. Late August amendment made implementation of the measure dependent on a future appropriation of state funds. ***Passed the Senate 39-0-1, final Assembly floor concurrence vote was 80-0. Enrolled to the Governor.***

AB 2083 (Cooley, D. - Rancho Cordova). County memoranda on roles and responsibilities of local agencies serving foster youth with histories of trauma, and related state agency service plans and reports. As amended, AB 2083 requires each county to “develop and implement a memorandum of understanding setting forth the roles and responsibilities of agencies and other entities that serve children and youth in foster care who have experienced severe trauma.” The memoranda are intended to identify and fill service gaps that may exist under the state’s Continuum of Care Reform (CCR) and to ensure that foster children and youth receive care that is trauma-informed. Under CCR, the caseload of foster youth (including probation-placed youth) has shifted away from traditional group homes to either family-based care or placement in a high-end residential treatment program (Short Term Residential Therapeutic Program, or “STRTP”). The bill lists the agencies that must be involved in adopting the local memoranda and sets out the procedures and practices that must be included in the memoranda. The bill also establishes a state “interagency resolution team” consisting of representatives from the state departments of Social Services, Education, Health Care Services and Developmental Services. The interagency resolution team is tasked with guiding and coordinating local development of the service memoranda required by the bill. In addition, the interagency resolution team is required, by January 2020, to submit recommendations to the Legislature on service or placement availability gaps affecting the target foster youth population, including (as amended) options for a “statewide, pooled financing structure and a process for

centralized entry, authorization, and access to services for foster youth with intensive needs”. The bill further requires the interagency team by January 2020 to develop, in consultation with affected stakeholders, “a multiyear plan for increasing the capacity and delivery of trauma-informed care to foster children and youth served by short-term residential therapeutic programs and other foster care and behavioral health providers”. July amendments set out confidentiality and information sharing criteria for the various entities created or affected by the bill. ***Passed the Senate 39-0-1; final Assembly floor concurrence vote was 80-0. Enrolled to the Governor.***

AB 2119 (Gloria, D. – San Diego). Gender-affirming foster care rights and health/mental health care. This bill was vastly amended in the first week of August to delete the former addition to the foster care bill of rights (Welfare and institutions Code Section 16001.9) that added the right “to have access to gender affirming health care and gender affirming behavioral health services”. Now the bill takes a different approach to the same end by modifying WIC Section 16010.2 to specify that the right of minors and nonminors in foster care to health and mental health care includes gender-affirming health and mental health care. The bill also now amends the existing foster care right to be placed in out of home care according to “gender identity” to include the right of the ward to be involved in the development of their own case plan elements including “placement and gender affirming health care with consideration of their gender identity”. Furthermore, the bill now tasks the Department of Social Services, in coordination with named stakeholders, to develop “guidance describing best practices” for foster youth in relation to gender affirming health and mental health care, including guidance on Medi-Cal services for transgender beneficiaries. The April amendment that barred providers from applying gender-changing treatments was taken out of the bill in June. ***Passed the Senate 26-12-2; final Assembly floor vote was 53-22-5. Enrolled to the Governor.***

AB 2247 (Gipson, D. – Carson). Placement preservation strategies to be included in dependency case plans. This bill providing checks and balances prior to a change in a foster care placement was once again amended in late August to change the proposed procedure. As amended, the bill now provides that prior to making a change in placement of a dependent child, the social worker or placing agency “must develop and implement a placement preservation strategy” upon consultation with the ward’s child and family team. The strategy “may include but is not limited to conflict resolution practices and facilitated meetings” as defined in the bill. Under the bill, if a placement change is to be implemented after considering the preservation strategy, 14-day notice of the proposed change must be given to named parties. Also, the bill limits the hours in which a placement changes can be made, banning changes between the hours of 9:00 p.m. and 7:00 a.m. unless a child over age 10 and the child’s representative, the caregivers on both ends and the social worker agree to a different schedule. Requires the Office of State Foster Care Ombudsman to make certain responses to complaints that the placement provisions of the bill have not been observed. Also provides that the placing agency may implement a placement change without adhering to these requirements where remaining in the current placement would pose a threat to the child’s health or safety, or where the child/child’s representative, caregiver and social worker agree to waive the requirements. As amended the bill includes clarification that its provisions apply to dependent rather than delinquent wards and does not apply to non-minor dependents placed in a listed Transitional Housing or independent living program. ***Passed the Senate 39-0-1; final Assembly floor vote was 78-1-1. Enrolled to the Governor.***

AB 2337 (Gipson, D. – Carson). Revisions in nonminor dependency jurisdiction. AB 2337 revises the criteria used by courts to determine the eligibility of certain nonminors for continuing foster care benefits after age 18. It modifies the existing procedure by which qualifying nonminors can petition the court to resume dependency jurisdiction prior to age 21, including changes to the hearing process for nonminors in which the court must make various dispositional determinations regarding the nonminor’s continuing foster care status, living situation and status as a nonminor dependent. As amended in August the bill also clarifies the non-minor dependent’s right to receive support until age 21. ***Passed the Senate 39-0-1; final Assembly floor vote was 80-0. Enrolled to the Governor.***

AB 2448 (Gipson, D. – Carson). Access of juveniles in placements to computer technology and the Internet. Reintroduces similar 2017 legislation vetoed by the Governor. AB 2448 amends the Welfare and Institutions Code to establish the right of dependent and delinquent wards of the court to participate in “age-appropriate extracurricular, enrichment, and social-activities” including “access to computer technology and the Internet”. The bill also adds two new sections to the Welfare and Institutions Code specifying that minors detained in a juvenile hall or committed to a county probation camp *shall* be provided with access to computer technology and the Internet for purposes of education and *may* be provided with such access to maintain relationships with families. In addition, the bill provides that Short Term Residential Therapeutic Programs, group homes and other listed caregivers must apply a “reasonable and prudent parent standard” in deciding whether to give permission to a foster youth to participate in “age-appropriate extracurricular, enrichment and social activities”, and the phrase “social activities” has been redefined by bill amendment to include access to computer technology and the internet. A similar bill by Mr. Gipson was vetoed last year by the Governor who targeted the bill’s provisions requiring the Division of Juvenile Justice (DJJ) to comply; DJJ has been removed from this re-try bill. ***Passed the Senate 35-4-1; final Assembly floor vote in concurrence was 59-21-0. Enrolled to the Governor.***

AB 2595 (Oberholte, R. – Big Bear Lake). Maximum term of confinement in the Division of Juvenile Justice and continuing jurisdiction over DJJ wards. As amended in June, AB 2595 would now require (rather than simply permit) the Juvenile Court to set a maximum term of confinement for a ward committed to the Division of Juvenile Justice (DJJ). The new language appears at Welfare and Institutions Code Section 731 (c). The maximum term is to be set by the court “*based upon the facts and circumstances of the matter or matters that brought or continued the ward under the jurisdiction of the court and as deemed appropriate to achieve rehabilitation*”. The bill continues to provide that the term of commitment in DJJ may not exceed the maximum term for an adult convicted of the same offense. It makes other changes to Section 731 (c), by reiterating the current statutory authority of the Board of Juvenile Hearings to determine ward discharge dates, and by reconfirming that local court jurisdiction over DJJ wards lasts until age 25 or otherwise terminated by the court or by operation of law. ***Passed the Senate 35-0-3; final Assembly floor vote was 80-0. Enrolled to the Governor.***

AB 2605 (Gipson, D.- Carson). ~~Limits on placement provider contacts with law enforcement.~~ Gutted and amended on 8/22 into a Labor Code bill affecting conditions of employment. No longer a juvenile placement bill. As a point of information, we include the digest of the bill as pending prior to being gutted and amended into a non-juvenile bill. Prior to being gutted and amended, AB 2605 added Section 1531.6 to the Health and Safety Code, requiring designated foster care providers to “develop protocols that dictate the circumstances under which law enforcement may be contacted in response to the conduct of a child residing at the facility”. Providers subject to the requirement included group homes, transitional and temporary shelter care facilities and short

*term residential therapeutic programs (“STRTPs”), The protocols were to employ “trauma-informed and evidence-based deescalation and intervention techniques”; must specify that contacting law enforcement “shall be used only as a last resort once other deescalation and intervention techniques have been exhausted” and then only upon approval of a staff supervisor; must require relevant staff training; and must address how law enforcement is to be contacted in emergency situations. **Gut and amend, no longer youth justice or placement bill.***

AB 2720 (Waldron, R. – Escondido). Juvenile Re-Entry Grant Fund program expansion. The Juvenile Re-Entry Grant Fund was established in 2010 as a component of legislative reforms realigning state youth parole operations from the Division of Juvenile Justice (DJJ) to local probation departments. The Re-Entry Grant Fund pays counties for probation supervision and service costs supporting DJJ ward re-entry needs until their discharge from local court jurisdiction. This bill would extend eligibility of DJJ wards for Re-Entry Fund services for a two-year period beyond their discharge from local court jurisdiction, but only to the extent that “unexpended” grant funds are available to support the service extensions. As most recently amended (August 8), the bill would not take effect unless and until the Legislature approves a Constitutional Amendment that would then have to be approved by state voters in the 2020 general election. This due to the fact that the bill would change constitutional realignment provisions adopted previously through the initiative process. **Passed the Senate 39-0-1; final Assembly floor vote was 80-0. Enrolled to the Governor.**

AB 2952 (Stone, D- Santa Cruz). “Brady” amendment to juvenile record sealing law. AB 2952 amends Welfare and Institutions Code Section 786 which requires the Juvenile Court to seal juvenile offense records on its own initiative upon determining that the juvenile has attained satisfactory completion of probation or diversion. This bill would add, to the other provisions of Section 786 that allow an auto-sealed record to be accessed for various purposes, a provision allowing a prosecutor to ask the Juvenile Court to access and use the sealed record to meet statutory or constitutional (“Brady”) requirements to furnish exculpatory evidence to the defense in a criminal prosecution. The bill requires the court to review the sealed records identified by the prosecution as needed to meet the disclosure obligation; requires notice to the person whose record has been sealed with an opportunity for that person to respond prior to the court’s ruling; and provides that if the record is authorized for disclosure, the court’s order must include limits on use of the information in order to protect the confidentiality of the person whose sealed record is being accessed. A technical amendment in June conforms WIC Section 786.5 (probation and diversion record sealing) to Section 787 (access to sealed records for data reports and evaluations). **Passed the Senate 38-0-2; final Assembly concurrence vote was 79-0-1. Enrolled to the Governor.**

Senate bills

SB 439 (Mitchell, D. – L.A. and Lara, D. – Bell Gardens). Limiting delinquency jurisdiction to minors between ages 12 and 17, with exceptions. SB 439 would limit the jurisdiction of the Juvenile Court in delinquency cases (WIC 601 status offenses and WIC 602 criminal offenses) to minors aged 12 through and including age 17, effectively exempting minors below age 12 from petitions and proceedings under those sections of the Welfare and Institutions Code. However, as amended in June and once again in August, the bill now also provides that a minor under age 12 who is alleged to have committed murder or a listed serious sex offense will remain within the delinquency jurisdiction of the Juvenile Court. The listed sex offenses that authorize retention of juvenile jurisdiction for those under age 12 are rape, sodomy or oral copulation by force, violence, duress, menace or fear of great bodily injury). June amendments also added a new Section 602.1 to the Welfare and Institutions Code, providing that where a minor under age 12 comes to the attention

of law enforcement for status or criminal offenses (excepting listed homicide and serious sex offenses), “...the response of the county shall be to release the minor to his or her parent, guardian, or caregiver.” The bill now also requires counties to “... develop a process for determining the least restrictive responses that may be used instead of, or in addition to, the release of the minor to his or her parent, guardian, or caregiver.” The release and response provisions of the newly added section (602.1) would not take effect until January 2020. ***Passed the Assembly on a narrow floor vote of 43-32-5; passed the Senate floor on concurrence by another narrow margin of 24-14-2. Enrolled to the Governor.***

SB 607 (Skinner, D. – Berkeley). School suspensions for willful defiance. SB 607 as amended would extend the ban on suspension of a pupil for disrupting school or for willful defiance of school personnel under a tiered-age scheme. The bill has been amended multiple times to narrow its application and thus increase its prospects for passage. Current law (Education Code Section 48900) does not allow a pupil in grades 1-3 to be suspended for disrupting school activities or otherwise willfully defying the valid authority of school personnel. SB 607 would extend this ban on suspension for disruption or willful defiance to cover pupils in grades 4 and 5 (starting July 2019) and then adding grades 6-8 lasting until 2023. The bill also includes phased-in bans on suspensions of charter school pupils in grades 1-5, and a parallel ban on recommending expulsion for charter school pupils in grades K-12 for disruption or defiance, effective until 2023. ***Passed the Assembly floor on a vote of 55-23-2; passed the Senate floor on concurrence by a vote of 28-11-1. Enrolled to the Governor.***

SB 918 (Wiener, D. – San Francisco). Homeless Youth Act of 2018. This bill started out by establishing a dedicated Office of Homeless Youth in the Department of Housing and Community Development, with a \$60 million appropriation supporting a homeless youth services grant program. The bill was scaled back by amendments to its present form. As amended in August, the grant program is out of the bill. Instead, the bill adds new tasks and responsibilities to be implemented by the existing Homeless Coordinating and Financing Council. These new responsibilities include general objectives such as setting goals to prevent and end homelessness among California’s youth, improving the safety health and welfare of homeless youth, increasing system coordination to prevent homeless among youth (including those with child welfare or juvenile justice involvement) and related goals. The bill assigns further tasks to the Council in a new Welfare and Institutions Code Section 8261, including:

- Setting goals to prevent youth homelessness
- Establishing outcome measures on progress toward those goals
- Collecting statewide data on homeless youth including prevalence, system involvement (child welfare, juvenile justice), family status, housing status and runaway status.
- Coordinating with other state and local agencies and with young people to inform policy and practice, Leadership, coordination and goal setting to reduce youth homelessness
- To the extent funding is available, providing technical assistance and program development to support solutions for homelessness among youth,

Passed the Assembly 80-0, final Senate floor vote 39-0-1. Enrolled to the Governor.

SB 1004 (Wiener, D. – S.F.). Mental Health Services Act (MHSA)-- Prevention and Early Intervention spending priorities- augmented priorities for youth including juvenile justice youth. SB 1004 imposes new requirements on the MHSA Oversight and Accountability Commission and on counties regarding the scope and expenditure of MHSA funds under the Prevention and Early Intervention (PEI) share created by this 2004 voter initiative. Intent language states the overall goal of expanding, improving and documenting the effectiveness of PEI programs and services supported

by the MHSA. Among its many provisions, the bill requires the state Commission (by January 2020) to adopt priorities for expenditures of PEI funds, and it further requires counties making MHSA fund allocations to include those priorities to their county MSHA plans and to spend accordingly. The bill designates four major PEI priority areas for the Commission to adopt and for counties to implement. These include: a) childhood trauma and early intervention, b) early psychosis and mood order detection, c) youth outreach and engagement strategies that target secondary school and transition age youth with an emphasis on college-related programs and d) “culturally competent and linguistically appropriate prevention and intervention”. Counties would be able to add other PEI spending priorities to the local plan but could only proceed to implement them after the Commission has approved the local plan and its adjusted priorities. Elements pertaining to each of the designated PEI priority areas are spelled out in the bill, including (under the outreach to secondary school and transition age youth priority) “Interventions for youth with signs of behavioral or emotional problems who are at risk of, or have had any, contact with the juvenile justice system”. Other definitional and process changes in the scope, management and monitoring of MHSA Prevention and Early Intervention funds are included in the bill. ***Passed the Assembly 39-0-1; final Senate floor vote 80-0. Enrolled to the Governor.***

SB 1083 (Mitchell, D. – L.A.) Resource family approvals. This bill makes changes to the approval process for resource families under the state’s Continuum of Care Reform (CCR). Under CCR, licensed group homes for foster youth are eliminated and replaced with alternative placement options including home-based placement with a “resource family”. As amended, the bill extends the deadline for current foster care providers to convert to resource family status under CCR by one year to December 31, 2020. The bill also changes the requirements and timing of home environmental and other assessments required for resource families. Makes other changes related to resource families, relative placements, respite care and other matters. ***Passed the Assembly 80-0; passed the Senate on concurrence vote by a 39-0-1 vote. Enrolled to the Governor.***

SB 1106 (Hill, D. – San Mateo). Young adult deferred entry pilot program expansion. In 2016, Sen. Jerry Hill carried SB 1004 which established the Young Adult Deferred Entry Pilot program—a five-county pilot allowing qualified young adults age 18-21 at the time of the offense to be housed in the county juvenile hall in order to receive the programming and other services available under the juvenile court law. The bill included requirements that young adults be separated from minors in the juvenile hall and that pilots must be evaluated by the Board of State and Community Corrections (BSCC). The five county pilots are currently operating in Butte, Napa, Nevada, Santa Clara and Alameda Counties. They were scheduled to end in January 2020. SB 1106 extends the life of the pilots by two years to January 2022. As amended, AB 1106 also adds Ventura County as a sixth participating pilot county. The bill also advances the date for BSCC to submit evaluation reports on each pilot to legislative budget committees to December 21, 2020. ***Passed the Senate 27-6-6; final Assembly Floor vote was 61-16-3. Enrolled to the Governor.***

SB 1168 (Anderson, R. – Alpine). Commitments to the state Division of Juvenile Justice. SB 1168 changes the offense criteria governing who can be committed by a Juvenile Court to the state Division of Juvenile Justice (DJJ). Currently, Welfare and Institutions Code Section 733 bars commitment to DJJ where the most recent offense in any petition sustained by the Juvenile Court is not a WIC Section 707 (b) listed (serious) offense or a Penal Code Section 290.008 listed sex offense. This bill amends Section 733 to provide that a commitment to DJJ may be ordered by the court where any single offense in the most recently sustained petition is a WIC 707 (b) or Penal Code Section 290.008 offense. The amendment, sponsored by the California District Attorneys Association, is intended to clarify DJJ eligibility in cases where the petition in question involves

multiple offenses and where any one of the sustained petition offenses is a qualifying 707(b) or 290.008 offense. ***Held in the Senate Appropriations Committee. Dead. Note: Although the bill failed in this session, there is some expectation it may be reintroduced again next year, so we include in this edition as a matter of information.***

SB 1198 Wilk (R.- Lancaster). Sex offender management, research and risk instruments. States the intent of the Legislature to conduct research on recidivism of sex offenders to validate the effectiveness of the State-Authorized Risk Assessment Tool for Sex Offenders (“SARATSO”) and to document outcomes related to recent changes in California juvenile and adult sex offender registration laws. This bill tasks the SARATSO Review Committee (consisting of representatives from the Dept. of Justice, CDCR and the Dept. of State Hospitals) with sponsoring research on recidivism of sex offenders to further validate the risk instruments now in use and to support evaluation of sex offender laws and management practices. The bill also adds two members to the Sex Offender Management Board having juvenile justice expertise, including a probation officer (appointed by the Assembly Speaker) and a juvenile sex offender treatment provider (appointed by Senate Rules). The bill also tasks the Sex Offender Management Board and the SARATSO Review Committee with additional duties including certification of standardized sex offender treatment programs, maintaining standards for certifying polygraph examiners and research into the selection and use of reliable and objective protocols and instruments for predicting sex offender recidivism. ***Held in the Assembly Appropriations Committee in August. Dead.***

SB 1281 (Stern, D. – Agoura Hills). Access to sealed juvenile records to enforce ban on firearm possession. Penal Code Section 29820 bans possession of any firearm prior to age 30 by a person found by the Juvenile Court to have committed an offense enumerated in Section 29820, including any listed WIC Section 707 (b) serious offense. This bill would permit a prosecutor and the Department of Justice to access an offense record sealed by the Juvenile Court under WIC Section 786 for the purpose of enforcing the firearm possession ban. It would additionally prohibit the destruction of a WIC Section 786 sealed record until age 33 for any individual whose underlying juvenile offense has triggered the firearm possession ban. ***Passed the Assembly 78-0-2; passed the Senate on concurrence 38-0-2. Enrolled to the Governor.***

SB 1391 (Lara, D. – Bell Gardens & Mitchell, D.- L.A.). Banning transfers of 14-15 year olds to adult criminal courts. Under current law, the Juvenile Court may order the transfer of a juvenile aged 14 or older to the jurisdiction of the adult criminal court if the juvenile meets offense and other statutory criteria for transfer. Upon conviction in adult court, the juvenile may be sentenced to the full adult prison term. This bill would eliminate transfer authority and the jurisdiction of the adult criminal court over juveniles who were age 14 or 15 at the time of the offense. However, an August amendment also provides that if the individual has not been apprehended prior to the termination of juvenile court jurisdiction, the prosecutor may make a motion for the juvenile court to transfer the case to the adult criminal court. Since the adoption of Proposition 57 in 2016, prosecutors can no longer “direct file” juvenile cases in adult court and all transfers must be made by the juvenile court after a “transfer” hearing. ***Passed the Assembly floor by the narrowest possible margin on August 29 (41-23-16); then passed the Senate on concurrence by another narrow vote of 23-15-2. Enrolled to the Governor.***

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