**COMMONWEAL**

**The Juvenile Justice Program** [***www.comorg***](http://www.comorg)

**JUVENILE JUSTICE** **AND**

**RELATED YOUTH PROGRAM BILLS**

**Active in the 2020 Session of the California Legislature**

**April 10, 2020**

***Legislature extends recess due to COVID19 to May 4— hearings are suspended, deadlines may move, bill prospects are uncertain***

The Legislature is on full stop now until at least May 4. That’s the day that legislative leaders have announced as the earliest date to resume operation after extension of the state’s shelter-in-place directives. Proposals to hold hearings via video or tele-conferencing have been shelved, at least for the time being. Several legislative deadlines are at risk— including the May 9 deadline for policy committees to hear fiscal bills and the May 29 deadline for bills to pass their house of origin. These deadlines could be reset by legislative action, but delays will leave precious little time for a full public process. Another possibility later down the line is a call for a special session—an option that must be triggered by the Governor under the state constitution.

***Bill limits now likely*.** Legislative leaders are committed to re-opening the process sometime in May, under modified terms. Some proceedings may be conducted remotely using yet unspecified technology to allow for public comment. Additionally, leadership and committees are devising rules that may allow only COVID19-related measures to go forward—a potential directive that has authors and bill sponsors scrambling to qualify bills as vital to deal with the COVID19 crisis.

It’s becoming clear under these circumstances that many bills will fall by the wayside. The Chair of the Assembly Appropriations Committee, Lorena Gonzales (D. – San Diego), was quoted in the Los Angeles Times advising legislators to “kill many if not most of your bills for 2020”. It remains to be seen which bills will remain viable under the filters and limits we expect to see in place when the Legislature reconvenes.

***Budget hearings to resume under new constraints*.** There is a constitutional deadline of June 15 for the Legislature to send a budget bill to the Governor. After declaring his January budget proposal to be “inoperable” due to COVID19, Gov. Newsom will be hard-pressed to produce the usual Governor’s update known as the May Budget Revision. Budget subcommittees that normally work through April and May on departmental budgets and member requests are preparing strict new rules on what they will consider when committees return to work. Member and stakeholder budget requests will likely be limited to items that are responsive to COVID19.

***For this bulletin***, we have updated tracked bills with recent amendments while adding a few new ones. For convenience, each bill that is added to our coverage or has been amended since March 1 is highlighted with a checkbox **☑** before the bill number. Committee assignments are listed as known, but hearing dates have yet to be rescheduled. The full text of any bill can be accessed on the state legislative website at [www.leginfo.legislature.ca.gov](http://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](http://www.comjj.org).

**☑** *indicates amended since March 1 (our last report) or newly added since then*

**Assembly bills**

1. ***Two year bills***

 ***AB 656 (Eduardo Garcia, D. – Coachella). Office of Healthy and Safe Communities.*** AB 656 would create the state Office of Healthy and Safe Communities (OHSC) to develop and oversee a comprehensive state violence prevention strategy and to expand community-based violence reduction programs and services. The bill provides that OHSC would be housed in the state Department of Public Health with the director to be appointed by the Governor. AB 656 lists goals and activities for the OHSC including “develop a California vision and plan for violence prevention, safety and healing…aligned with funding to drive population level results for decreasing exposure to violence”, “connect the vision and plan to the Governor’s strategies for youth development, criminal and juvenile justice reform”, “identify and integrate trauma-centered diagnostic tools”, and “create a learning community” to share promising practices, research, data and approaches to violence prevention. The bill also creates an Advisory Committee composed of designated public and community-level violence prevention specialists. Implementation depends on appropriation of funds.

***Passed the Assembly (60-13-7). Held 2019 in the Senate Appropriations Committee, two-year bill.***

***AB 901 (Gipson, D. – Carson). Elimination of 601 jurisdiction for truancy; related education law changes; probation supervision programs; notices to appear; referrals to district attorney.*** AB 901 has traveled a bumpy road through the Legislature. It started as a bill to repeal the status offense (WIC 601) jurisdiction of the juvenile court, but then was dialed back to delete 601 jurisdiction in truancy cases, leaving general status offense jurisdiction over 12-17 year olds intact. A host of education law changes were added to re-define non-wardship options in truancy cases. The bill includes changes to probation processing and supervision of both status offense and delinquency cases. Due to amendments in the last week of the 2019 session, AB 901 went back to the Senate Education Committee where it was held as a two-year bill. In its present form, AB 901 does this:

* States legislative intent that truancy and other status offenses should be diverted from citation, arrest and court and that the role of probation should be clarified to prioritize diversion, alternatives to detention, and county-based alternatives to state (DJJ) commitment.
* Removes truancy from WIC Section 601 as a status offense that can result in wardship.
* Adds numerous changes to the Education and Welfare and Institutions Codes, recasting how truancy cases can be processed by SARBs and through local truancy mediation programs; deletes authority of SARBs, probation and DA’s to trigger wardship proceedings for truancy.
* Changes the criteria for referral and enrollment of truants in community day schools and alters the local control funding formula to include supplemental funds for community schools.
* Modifies Ed. Code sections holding parents accountable for a child’s failure to attend school.
* Amends WIC Section 236 defining the role of probation to provide that where probation services or programs are offered to minors not on probation (or to parents), programs must be voluntary and must not include conditions or consequences for failure to engage or complete the program.
* For remaining status offenses, prior to issuing a notice to appear an arresting officer must first refer the minor for services to a “community-based resource” or another designated service agency.
* Deletes WIC Sec. 258 (infractions and misdemeanors) authority of the court or hearing officer to impose sanctions in truancy cases.
* Changes WIC Sec. 653.5 criteria for referral of 602 cases to the District Attorney by removing the requirement that a DA referral must be made where informal supervision has previously been tried.
* Modifies WIC Section 654 (informal probation supervision) by re-defining the types of services to which the juvenile may be referred and by removing the requirement that a failure by the minor to participate in the program for 60 days must result in the filing of a wardship petition by the probation officer (or by referral to the DA); the initiation of petition proceedings by the probation officer becomes discretionary rather than mandatory in these situations.
* Postpones the effective dates of the truancy-related provisions to be operative starting July 2021.

This is a long and complex bill and the reader is advised to consult the full bill text for a full appreciation of its many provisions, while also recognizing that as a two-year bill, further changes are likely in 2020.  ***Passed the Assembly in an earlier version (42-27-11). Then, after 9/6/19 amendments, re-referred to and still pending in the Sen. Education Committee. Two-year bill.***

1. ***New in 2020***

***AB 1950 (Kamlager, D.- L.A.) Two year limit on adult probation for misdemeanor offenses***. Amends Penal Code Sections 1203a and 1203.1 to impose a two-year maximum on the length of a probation term ordered by the court for a misdemeanor offense. Additionally, the bill limits county jail time that may be imposed in connection with an order of probation for a misdemeanor to a maximum of two years. ***To the Assembly Public Safety Committee.***

**☑ *AB 1954 (Cooley, D. – Rancho Cordova, Gipson, D.- L.A. and Lackey, R. - Palmdale). Sibling foster care placements.***  Current law sets out priorities to promote or ensure that siblings ordered into foster care are placed with the same resource family, residential facility or other provider. As amended, this bill says that where the addition of a sibling would exceed the licensed capacity of the home (generally six beds for resource families), the “size and space of the placement home” shall not serve as a reason to block the additional sibling placement based on a determination that it would be contrary to safety or welfare of children in that home. Requires the Dept. of Social Services to adopt complying regulations. The bill also expands the code definition of “relative placements” and makes additional changes to the hearing process for relative placements. ***Referred to the Assembly Committees on Human Services and Judiciary.***

***AB 1979 (Friedman, D. - Glendale). Transitional independent living and transitional housing programs for foster youth.*** This bill expands the scope of transitional independent living programs to include “settings” approved by the county welfare department that serve the needs of youth who are entering or re-entering foster care or are transitioning between placements (excluding runaway and homeless shelters). The bill also expands the current requirement that county placing agencies conduct regular evaluations of the county’s placement resources and programs. This bill requires the evaluation to address the county’s ability to meet the emergency housing needs of nonminor dependents who are entering or re-entering foster care or transitioning between placements. For transitional housing programs, the bill adds new provisions covering a nonminor dependent’s noticed absence from the program (up to 14 days) by prohibiting a transitional housing provider from filling the absentee’s slot and by providing that payments for housing shall not be discontinued during the absence. ***To the Assembly Human Services Committee.***

**☑ *AB 1994 (Holden, D. – Pasadena). Medi-Cal eligibility, confined juveniles.***  This bill provides that when a juvenile is an inmate of a public institution, the county welfare department may, in accordance with federal and state law, suspend Medi-Cal benefits but may not terminate the juvenile’s eligibility for Medi-Cal. Prior to the juvenile’s release, the county welfare department must make a re-determination of the juvenile’s eligibility for Medi-Cal benefits, without requiring a new application by the juvenile. If the determination is that the juvenile is eligible, benefits must be restored upon release of the juvenile from the institution. The bill modifies suspension end dates to be the date of release from the institution or three years from becoming an inmate, whichever is sooner. The bill also defines who is a “juvenile” for purposes of suspension or restoration of Medi-Cal benefits, specifying that “juvenile” includes persons under 21 years of age as well as those under age 26 or former foster youth who meet federally defined criteria. ***To the Assembly Health Committee.***

***AB 1996 (Gipson, D. – L.A.). Transition age youth—DSS report on older foster youth, extended independent living benefits beyond age 21.***  States the intent of the Legislature to collect additional information on the experience of older and homeless minors in being able to access foster care and transition to independence. Requires the state Department of Social Services to provide information to the Legislature during the FY 2021-22 budget on hotline calls made by foster youth. The DSS report must also describe how county are collected, or might better be collected, on failed adoptions or guardianships resulting in extended foster care. In addition, the bill provides that a minor who lacks housing under a transitional independent living case plan after the maximum benefit period shall be entitled to an extension of benefits beyond age 21 for the period in which approved housing remains unavailable. ***To the Assembly Human Services Committee.***

***AB 2005 (Levine, D.- Marin County). Transitional independent living programs involving nonminor dependents with disabilities.*** This bill provides that a nonminor dependent shall not be deprived of transitional independent living benefits in situations where the nonminor dependent is unable to participate in the development of the transitional independent living case plan due to disability, incompetence or a medical condition.Instead requires the social worker, probation officer or tribal entity charged with helping the nonminor dependent to produce the plan in consultation with the nonminor dependents counsel, conservator, caregiver and other persons identified as important in the nonminor dependent’s life. ***To the Assembly Human Services Committee.***

***AB 2035 (Rubio, D. – Baldwin Park). Foster care sexual health education and training.*** This bill adds new requirements for social workers and courts to monitor and confirm that children in foster are receiving mandated sexual and reproductive health education. In these cases, the bill requires the social worker preparing reports for foster care review hearings to verify that the foster youth has received sexual health education as provided in the Education Code for junior, middle or high school students or to indicate how the county will ensure that the youth otherwise receives appropriate sex education prior to the termination of juvenile court jurisdiction. Requires the report to verify that the social worker has informed foster youth over 10 years of age about the right to access to sexual and reproductive health information and services including pregnancy prevention. Requires the juvenile court in review hearings to determine that the social worker has met these sexual education reporting obligations. The bill also requires the state Department of Social Services to compile and report annual performance data on implementation of sexual and reproductive health training and education for foster youth (including counts of social worker, probation officer, court, provider and youth compliance with the education and training requirements). The annual reports must also include detailed information on pregnancies, contraception and STDs among foster youth. ***To the Assembly Human Services Committee.***

***AB 2051 (Reyes, D.- Grand Terrace). Foster care sibling relationships***. Current law includes statutory provisions to encourage and maintain relationships between a foster child (age 10 or older, in placement for at least six months) and children “other than the child’s siblings who are important to the child.” AB 2051 adds a new statutory definition for “foster care sibling relationship” at WIC 16002.7 as follows: “foster sibling relationship” means “a relationship between dependent or nonminor dependent children who are placed together in foster care and develop a sibling-like bond, despite having no relationship through blood, adoption, or affinity. It is the intent of the Legislature to maintain a foster sibling relationship for dependent and nonminor dependent children in out-of-home placement when they are no longer placed together.” ***To the Assembly Judiciary Committee.***

***AB 2065 (Lackey, R. – Palmdale). Revenge porn crime***. This bill creates a new felony crime for distributing an image of another person’s intimate body parts (as defined) or of another person engaged in a listed sex act, where there has been agreement that the image shall remain private and where the person distributing the image knows or should know that distribution will cause, and the distribution does cause, serious emotional distress. Requires persons convicted of the new offense to register as sex offenders. ***To the Assembly Public Safety Committee.***

***AB 2125 (Rivas, D.- Hollister). Cal Grant awards—detained juveniles***. Under the Cal Grant student aid program, “incarcerated persons” are ineligible for Cal Grants. This bill states that a person who is committed to or detained in a juvenile facility—including but not limited to county juvenile halls, camps and ranches and the state Division of Juvenile Justice – is not to be considered “incarcerated” for purposes of disqualification from Cal Grants. ***To the Assembly Higher Education Committee.***

***AB 2135 (Rubio, D. – Baldwin Park). Expanded investigations following reports of child abuse in foster care.*** AB 2135 sets out an expanded process for investigating reports of child abuse in foster care facilities including resource families, foster family homes, relative caregiver homes and licensed residential care facilities including Short Term Residential Therapeutic Programs. This bill adds Section 1538.1 to the Health and Safety Code, requiring that upon receipt of a report of child abuse, the agency with placement or enforcement jurisdiction must conduct an investigation that includes live interviews with the alleged child-victim, facility staff and other listed parties. The investigation must also include a review of past complaints and caseworker reports. The investigating agency must send a copy of its report to the Office of State Foster Care Ombudsperson. During investigations, no other child may be placed in the facility under investigation. The bill makes additional changes to child abuse reporting requirements and agency responses affecting children in foster care. ***To Assembly Jobs, Economic Development & Economy Committee.***

***AB 2170 (Rubio, D. – Baldwin Park). Medi-Cal benefits for confined juveniles***. AB 2170 modifies WIC Sec. 14011.10 provisions on suspension and restoration of Medi-Cal benefits for confined juveniles. The bill provides that when a juvenile is detained in a juvenile detention center or becomes an inmate of a public facility, the county welfare department shall redetermine the juvenile’s eligibility for Medi-Cal benefits before the juvenile’s release from the facility and without requiring a new application from the juvenile. Where the county welfare department determines that the juvenile is eligible upon release for Medi-Cal, the bill requires that Medi-Cal eligibility to be restored immediately upon release.  ***To the Assembly Health Committee.***

**☑ *AB 2200 (Kalra, D. - San Jose). New state prohibition against racial bias in criminal proceedings including juvenile justice commitments; prosecution disclosures, court remedies for violations.*** This bill is new as of March 10, replacing labor code amendments with racial bias provisions. As reconfigured, AB 2200 cites legislative intent to remove racial bias from the justice system on a broad scale. The bill adds an expansive new Section 745 to the Penal Code, leading with the mandate that *“The state shall not seek or obtain a criminal conviction or sentence on the basis of race, ethnicity, or national origin.”* AB 2200 defines multiple violations of this proscription, including whether a judge, lawyer, police officer, witness or jury acted with racial bias in a proceeding (including the use of racially discriminatory language); whether prosecutors sought more convictions for certain racial groups than others; and whether longer sentences were imposed on certain racial groups. Where such bias can be shown by a preponderance of evidence, courts must suspend current proceedings or vacate convictions, remanding them for new proceedings. A process is established for defendants to challenge prosecutions or convictions based on racial bias, including petitions that may be filed in trial courts or habeas writs filed in appellate courts. The bill requires prosecutors to disclose on request all evidence of potential violations of the race discrimination ban. There is a global provision that the racial bias ban and the remedies for violations in Section 745 shall apply to “commitments in the juvenile justice system”. ***To the Assembly Public Safety Committee.***

***AB 2205 (Jones-Sawyer, D. – L.A.). Adding members to the Board of State and Community Corrections*.** The Board of State and Community Corrections has multiple functions including the administration of state justice system grants and the promulgation of local detention facility standards. The current 13-member Board is comprised of justice system representatives from law enforcement, probation, courts, corrections, counties and community groups, appointed by the Governor (10), the Legislature (2) and the Courts (1). AB 2205 would add a “rank-and-file probation officer or deputy probation officer who is actively serving as the president of a county probation association”, and a “public member who has a record of a felony conviction”. Each would be appointed by the Governor subject to Senate confirmation. ***To Assembly Public Safety Committee.***

***AB 2321 (Jones-Sawyer, D.- L.A.). Access to sealed juvenile records.*** AB 2321 would amend WIC Sections 781, 786 and 786.5 to make certain sealed juvenile offense records available to a law enforcement officer, prosecutor, judge or other authority having broadly described criminal investigation or crime detection responsibility, for the specific purpose of processing a crime victim’s request for certification of “helpfulness”. The certification provides immigrants who are victims of crime with help when they seek visa protection from deportation or other facets of immigration enforcement. The new sealing exception would apply to WIC Section 786 court-sealed records upon satisfactory completion of probation, to probation and diversion program records sealed under Section 786.5 and to records involving Welfare and Institution Code 707(b) (serious/violent) offenses committed by a person over the age of 14 after sealing by the Court under Section 781.***To the Assembly Public Safety Committee.***

***AB 2335 (Rivas, D.- Hollister). Student Success Act of 2012—students with juvenile justice histories.*** The Student Success Act of 2012 includes a Student Success and Support Program to assist certain categories of students in California community colleges with matriculation and other support needs. This bill adds “students who are currently or were formally in the juvenile justice system” to the list of special circumstance students at Education Code Sec. 78220 who must be monitored by community colleges for purposes of the campus student equity plan. ***To the Assembly Higher Education Committee.***

***AB 2425 (Stone, D.- Santa Cruz). Confidentiality of juvenile police records in diversion cases***. (*Digest revised 4/10*). Under current law, WIC Sec. 827.9, applicable only to Los Angeles County, sets out the terms and limits under which a juvenile police record can be released to specified agencies or individuals. AB 2425 would expand Section 827.9 to statewide application, removing the “L.A. only” limitation. AB 2425 further amends WIC Section 827.9 to prohibit a law enforcement agency from releasing a copy of a juvenile police record in cases where the juvenile has been diverted from arrest, citation, detention or from other stages of formal processing. The bill provides that the juvenile police record in these diversion cases “shall be confidential and deemed not to exist, except to the minor who is the subject of the juvenile police record and their parent or guardian”. AB 2425 provides for release of the record to the minor or minor’s parent or guardian, but only if identifying information on any other juvenile has been removed from the record. Also requires that information collected by a provider of diversion services to the minor shall be kept confidential except as to the minor who is the subject of the record and their parent or guardian. ***To the Assembly Public Safety Committee.***

***AB 2469 (Reyes, D.-Grand Terrace). Nonminor dependents: county multidisciplinary teams, county and state reports.*** This bill requires each county to form a multidisciplinary team to serve nonminor dependents, in collaboration with the Department of Housing and Community Development and with a broad list of county and child serving agencies. Each county must also submit an annual report to the Dept. of Social Services describing the housing and educational status of each nonminor dependent under county jurisdiction and including information on homelessness and other factors listed in the bill. DSS is mandated to produce recommendations in annual reports to the Legislature to assist nonminor dependents based on the information reported by counties; DSS must also provide related information in conferences and contacts with listed child-serving agencies and organizations. professional groups. The Department must also collaborate with the California Youth Connection, former foster youth and others to form a working group by January 2022 to improve system responses for nonminor dependents. ***To the Assembly Human Services Committee.***

***AB 2483 (Bauer-Kahan, D.- Orinda). Data collection on local jail anti-recidivism programs.*** This bill requires each county sheriff to compile and submit data to the California Board of State and Community Corrections (BSCC) on anti-recidivism programs in county jail facilities, including success rates in reducing recidivism in each such program. The sheriffs’ data must be submitted to BSCC by January 1, 2022 and BSCC is mandated to submit a report on to the Legislature by July 1, 2022 based on findings on the data submitted***. To the Assembly Public Safety Committee.***

***AB 2543 (Jones-Sawyer, D.- L.A.) Juvenile Justice Crime Prevention Act.***  Spot bill making non-substantive changes to Government Code Section 30061 containing the Juvenile Justice Crime Prevention Act (JJCPA) grant program. ***Not assigned.***

***AB 2713 (Jones-Sawyer, D.- L.A.) Sex Offender Management Board, added members.*** The Sex Offender Management Board (SOMB) in CDCR performs multiple functions related to the assessment and management of sex offenders in state and local programs and facilities. The Board presently consists of 17 members representing state and local corrections, health and mental health, courts, local government and related subject-matter experts. This bill would add two new members including: the Director of the new Department of Youth and Community Restoration or the director’s designee having “expertise in the treatment and supervision of juveniles who have offended sexually”, and a licensed mental health professional with experience in treating and evaluating juvenile sex offenders, the latter to be appointed by the Speaker of the Assembly. ***To the Assembly Public Safety Committee.***

***AB 2804 (McCarty, D.- Sacramento). Repurposing juvenile detention centers***. States the intent of the Legislature, in view of declining occupancy rates, to “explore the reuse and repurposing of juvenile detention centers that have closed or that have a 70 percent or higher vacancy rate”. ***Not yet assigned.***

***AB 2814 (Chen, R. – Yorba Linda). Spot bill on Board of State and Community Corrections.*** Nonsubstantive spot bill proposing to amend Penal Code Section 13820 which abolished the old state Office of Criminal Justice planning and replaced it with the Board of State and Community Corrections. ***Not yet assigned***.

***AB 2838 (Eggman, D. - Stockton). Child welfare and juvenile justice data system identifiers***. This bill adds the following language to the Welfare and Institutions Code, at Section 241.2 (b): *On or before January 1, 2023, the California Health and Human Services Agency shall coordinate the efforts of the State Department of Social Services and the Department of Youth and Community Restoration to implement a common identifier for counties to use to reconcile data across child welfare and juvenile justice systems statewide.* ***To the Assembly Judiciary Committee.***

***AB 2847 (Chiu, D. – S.F.). Spot bill on DNA collection.*** Nonsubstantive spot bill amending Penal Code Section 296 which presently provides for the collection of DNA swabs and fingerprints from any juvenile or adult who is convicted or adjudicated on a felony offense. ***Not assigned.***

***AB 2862 (Rubio, D. - Baldwin Park). Enhanced penalty for solicitation of prostitution involving a minor.*** This bill amends Penal Code Section 647 (b) which creates a misdemeanor penalty for solicitation of prostitution. Under current law, the penalty for solicitation is increased under subdivision (k) of Section 647 where the person solicited is a minor and the defendant “knew or should have known” that the person is a minor. This bill strikes the provision that the defendant “knew or should have known” that person being solicited was a minor. Moreover, the penalty for soliciting a minor under these revised criteria is further increased to a wobbler with the possibility being sentenced to 16 months in state prison. ***To the Assembly Public Safety Committee.***

***AB 2865 (Wicks, D.- Oakland). Modification of criteria for transfers of juveniles to adult criminal courts****.* AB 2865 adds to the criteria the juvenile court must apply when considering the prosecution’s motion to transfer jurisdiction of a minor who is charged with a serious offense listed in WIC Section 707 (b) to the adult criminal court. This bill adds the following language to WIC 707(b) (a) (3): *In order to find that the minor should be transferred to a court of criminal jurisdiction, the court shall find that the minor is not amenable to rehabilitation while under the jurisdiction of the juvenile court.* In effect the bill restores the “amenability” criterion that was perhaps inadvertently omitted when Proposition 57, adopted by state voters in 2016, rewrote Section 707 to eliminate the direct filing of juvenile cases by prosecutors in adult criminal courts. ***Not yet assigned to committee.***

*A****B 2977 (Wicks, D. – Oakland). BSCC correctional officers training program to eliminate bias.***AB 2977 requires the Board of State and Community Corrections, in collaboration with the Commission on Peace Officers Standards and Training, to develop and implement a three-hour training course on the elimination of implicit individual and institutional bias in California justice and correctional agencies. The training program is to be administered to personnel including those at the state Department of Corrections and Rehabilitation, the state Department of Youth and Community Corrections and local sheriffs, peace and probation officers. The curriculum is to be developed by January 2022 by a BSCC Working Group consisting of experts from listed academic, corrections, offender and offender treatment sectors. The curriculum must address at least ten bias-related areas listed in the bill. Implementation must begin by January of 2024*.* ***To the Assembly Public Safety Committee.***

**☑ *AB 3038 (Stone, D. – Santa Cruz). Confidentiality of juvenile case files, prosecutor alerts to defense.*** This bill is new as a March 12 as a “gut & amend” of an unrelated measure. As now reconfigured. AB 3038 adds a clarifying provision to WIC Section 827, the “confidentiality” section of the juvenile court law. This bill modifies the subparagraph of Sec 827 banning the further dissemination of protected records by those who are authorized to receive them; the modification states that a prosecutor or city attorney is not barred from alerting defense counsel to of the need to file a Section 827 records disclosure request relating to “potentially discoverable evidence” in a juvenile case file. ***To the Assembly Public Safety Committee.***

**☑ *AB 3167 (Wicks, D. – Oakland). California Violence Prevention and Intervention Program.*** The CalVIP grant program provides funds to cities and community-based agencies for local violence prevention programs. Last year, Assembly Member Wicks authored AB 1603 which codified the terms of the grant program and its administration by the Board of State and Community Corrections. This bill adds a clarifying provision that limits the maximum grant amount to $1.5 million per year for grantees instead of $1.5 million per grant cycle. ***To the Assembly Public Safety Committee.***

***AB 3291 (McCarty, D. - Sacramento). Dependency review hearings, information on access to housing.*** AB 3291 adds a new item to the list of documents and information that must be provided by the social worker to the minor and be verified in court review hearings for minors and nonminor dependents. Under this bill, the social worker must verify that the minor or nonminor dependent has been provided with “written information notifying the child of federal, state and local programs available to assist the child with obtaining housing and a written fact sheet the child may offer to a prospective landlord that explains the child’s rights as a tenant”. ***To the Assembly Human Services Committee.***

**Senate bills**

1. ***Two year bills***

***SB 144 (Mitchell, D. – L.A and Hertzberg, D. – Van Nuys). Elimination of criminal justice and related fees.*** This massive (94 sections) bill eliminates the authority of counties, courts and other agencies to charge fees for a wide range of juvenile and criminal justice system proceedings and operations—including fees that may now be assessed for probation and diversion programs, placement and incarceration, drug testing, attorneys fees, drug testing, vehicle code violations and other activities. On the juvenile justice side, specific sections would wipe out fees that can presently be assessed on persons aged 26 or older for sealing of juvenile offense records. However, the bill retains the authority of county agencies to assess parents or guardians for support costs related to the detention or placement of a minor upon arrest or by order of the juvenile court. SB 144 supplements Senator Mitchell’s 2017 legislation (SB 190) that eliminated a long list of court and county fees imposed on children and parents for juvenile justice services and sanctions. Amendments to SB 144 have eliminated many of the proposed fee cuts but most remain intact in the current version of the bill. Those interested in a detailed view of the administrative costs curtailed by SB 144 are advised to review the extensive text of the bill itself. ***Passed the Senate (26-8-4); in the Assembly Public Safety Committee, two-year bill.***

***SB 145 (Wiener, D. – S.F.). Relief from sex offender registration for certain offenses involving minors.*** As amended, SB 145 would exempt a person from the Penal Code Sec. 290 sex offender registration requirement if the person was less than 10 years older than a minor on whom a listed sex offense was committed. The exempt-eligible offenses involving minors are PC 276 (c) sodomy, PC 287 (b) oral copulation and PC 289 (h) and (i) penetration with a foreign object. The registration requirement is avoided if the defendant is not more than 10 years older than the minor and if the listed, exempted offense is the only offense for which registration would otherwise be required. The court remains authorized to impose registration in cases covered by PC Section 290.006 (catch-all for sex offenses not listed in Section 290). ***Passed the Senate (25-3-10); held in Assembly Appropriations Committee, two-year bill.***

***SB 555 (Mitchell, D. – L.A.). Contracts for communication and information services in jails and juvenile facilities***. SB 555 requires contracts for communication or information services in juvenile facilities and jails to meet new minimum requirements. These include that the contract may not provide for commissions or fees to be paid to the jail or juvenile facility and that the contract must provide the “lowest cost of service to any person who pays for communications or information service”. Covered communication and information services are broadly defined and include video-visitation setups. SB 555 applies to jails and juvenile facilities including juvenile halls, camps and ranches. The bill also places limits on prices of articles sold to inmates in county jail stores and imposes new restrictions on how sheriffs may spend or use assets in an “incarcerated peoples’ welfare fund” (no longer to be called the inmate welfare fund). ***Passed the Senate (31-5-2); held 2019 in the Assembly Appropriations Committee, two-year bill.***

1. ***New in 2020***

**☑ *SB 889 (Skinner, D.- Berkeley). Raising the age of juvenile delinquency jurisdiction to include 18-19 year olds.*** This major reform bill would extend the jurisdiction of the juvenile court to include 18 and 19 year olds. Under current law, if you are 18 or older and charged with a crime you must be processed in the adult criminal system and, upon conviction, you may be sentenced to county jail or state prison depending on the offense. This bill would move 18 and 19 year olds charged with crimes into the juvenile justice system, offering programs, specialized facilities and limits on confinement not available in the adult system. SB 889 builds on recent California laws that have reduced or eliminated adult punishments for youth, drawing on principles of adolescent development increasingly adopted by courts and legislatures throughout the USA. Many sections of current law are modified by SB 889, including these changes:

* **Original Jurisdiction**. WIC Section 602—California’s fundamental delinquency jurisdiction law—is amended to raise the upper age of juvenile court jurisdiction from 17 to 19.
* **Extended jurisdiction.** WIC Sec. 607 is amended to extend the court’s jurisdiction (once established) from a top age of 21 to a cap of age 24, though 25 remains the top age for WIC Sec.707 (b) wards who have been committed to DJJ. (*See SB 912 for other changes to WIC 607*).
* **Juvenile detention** **criteria** (WIC 628, 628.1) are changed to require the probation officer to base all initial detention decisions on the use of a risk assessment instrument, though the draft is ambivalent as to whether this requirement applies to 18 and 19 year olds. The terms of home supervision programs in lieu of detention, whether exercised by probation or by the court, are altered in various ways.
* **Non-ward probation programs**. The bill retains current options for placing youth, now to include 18-19 year olds, in a six month program of probation supervision in lieu of filing a petition (WIC 654) or in lieu of wardship (654.2), or on non-ward probation ordered by the court (WIC 725). Some but not all of these options must adhere to the new limits on probation orders codified in a new WIC Section 724.
* **Probation orders and conditions**. For adjudicated youth, probation orders must adhere to a new standard for conditions of probation. The bill adds WIC Sec. 724, requiring that all conditions of probation “shall be limited to those that are necessary for public safety, address the individual’s risk factors as determined by a research-based risk assessment and help facilitate successful completion of probation.” This language is also linked to some non-ward probation options.
* **Time limits on probation supervision.** The bill does not currently shorten the length of time that wards can be kept a term of court-ordered probation, even though new limits on probation terms were included in SB 889 sponsor CPOC’s “Elevate Justice” platform from which SB 889 draws. Another pending bill, SB 1134 (Beall)) would limit probation supervision to six months with an option for six months extension upon court approval.
* **Court dispositions**. Dispositional options and orders available to the Juvenile Court, including Deferred Entry of Judgment (WIC Sec. 790), remain largely unchanged but will be available to 18 and 19 yar old adjudicated wards. However, an additional requirement imposed by SB 889 is that “for any youth adjudged a ward of the court, the court shall direct the probation department to develop an individualized treatment and rehabilitation plan that is family-centered, strength-based, and built around positive incentives and rewards. This plan shall incorporate strategies to help the youth understand the impact of the harm they caused to the victim and society”. The bill does not address possible impediments to court-orders of private placements of older youth in residential care facilities governed by the age requirements of foster care law.
* **Supplemental petitions.** Petitions to modify an existing dispositional order must indicate that “a response matrix was considered to determine the least restrictive option appropriate”

***Transfer law and procedure*** (on moving juvenile cases to adult criminal court) are not altered by SB 889. This means that youth age 18 and 19 whose cases start in juvenile court could be transferred to the jurisdiction of the adult criminal court only after meeting the offense-based criteria for transfer and after a transfer hearing in the juvenile court where multiple factors related to behavior and maturity must be taken into account.

***There are procedural gaps and open issues in this draft*** as it seeks to legislate a comprehensive and consistent process for bringing 18 and 19 year olds into the juvenile justice system. The author and prime sponsor (CPOC) are working with stakeholders and advocacy organizations on refinements expected to be incorporated into future drafts. ***To the Senate Public Safety Committee.***

**☑ *SB 912 (Beall, D. – San Jose). Nonminor dependent age of eligibility for foster care benefits extended to age 25; continuing jurisdiction of the juvenile court extended to age 25; DJJ age 23 confinement limit is discarded.***  As amended March 16, SB 912 revises California’s definition of “nonminor dependent” to raise the age of eligibility for continuing foster care and related program benefits from age 21 to age 25. The bill extends the coverage and terms of current benefit programs (including AFDC-FC, Adoption Assistance, CalWORKS, and KinGAP) to include youth age 21-24. SB 912 also significantly revises WIC Section 607 which defines how long a dependent or delinquent ward can remain under the jurisdiction of the juvenile court. Currently Section 607 caps juvenile court jurisdiction at age 21, unless the ward has been committed to the state Division of Juvenile Justice (DJJ) for a serious WIC 707(b) offense, in which case jurisdiction may extend to age 25. Under SB 912, court jurisdiction over all wards will be extended to age 25. SB 912 also deletes language adopted in 2012 that limited stays in DJJ to age 23, effectively restoring the old (pre 2012) top DJJ retention age to age 25. ***Not yet assigned to committee.***

***SB 1013 (Monning, D. – Carmel). Adding members to the Board of State and Community Corrections.***The Board of State and Community Corrections performs multiple functions including the administration of state justice system grants and the promulgation of local detention facility standards. The current 13-member Board is comprised of justice system representatives from law enforcement, probation, courts, corrections, counties and community groups appointed by the Governor (10), the Legislature (2) and the Courts (1). SB 1013 would add two members who have “been previously convicted of a felony”, to be appointed by the Governor. The bill also adds two previously convicted felons to the California Workforce Development Board and one previously convicted felon to local workforce development boards. ***To the Senate Public Safety Committee.***

***SB 1021 (Durazo, D. - L.A.). Detention in dependency cases, parental visitation.*** Under current law a juvenile who is the subject of dependency proceedings may be detained by order of the court in an appropriate non-secure home or shelter under circumstances defined in Welfare and Institutions Code Section 319. This bill provides that where a child is removed from the parental home and detained by order of the court, the court shall not restrict parental visitation any more than is necessary to ensure the child’s safety and well-being. The bill also adds language covering the terms of visitation including time, duration, whether the visit it to be supervised and other visitation conditions. ***To the Senate Judiciary Committee.***

***SB 1045 (Bradford, D. - Gardena). Sealing of arrest records after dismissal of conviction.***SB 1045 amends Section 851.91 of the Penal Code which sets out the criteria for sealing of adult arrest records where there is no subsequent conviction on the offense. This bill adds dismissal of the charge after previous conviction to the list of non-conviction circumstances giving rise to eligibility to have the arrest record sealed. Other provisions in Section 851.91, not altered by the bill, exempt certain offenses from sealing and set out criteria for the court’s determination as to whether the record should be sealed. The bill does not cover juvenile arrest records.  ***To the Senate Public Safety Committee.***

**☑ *SB 1050 (Umberg, D.- Santa Ana). ~~Plan approvals for juvenile court schools~~***~~.~~ Gutted and amended 3/25 from a spot bill on juvenile court schools into an unrelated measure. To be dropped form the tracking reports.

**☑ *SB 1111 (Durazo, D. – L.A.). Detention of persons over age 18 in juvenile facilities****.* SB 1111 is a major revision of current law governing the place of confinement for individuals subject to juvenile or adult court proceedings beyond age 18. SB 1111 deletes current WIC Section 208.5 which presently allows for the transfer of detained juveniles at age 18 or 19 to the custody of the county sheriff, while also permitting detention of persons between the ages of 18 - 21 to continue in a juvenile facility under stated conditions. Under current law person turning 18 may stay in the juvenile facility until age 19 without separation from those under age18, and upon reaching age 19 the person may continue to stay in the juvenile facility until age 21 with the approval of the Juvenile Court and if the facility is also approved by the Board of State and Community Corrections as suitable for a mixed-age population. SB 1111 deletes current place-of-detention scheme in WIC Section 208.5 and replaces it with a new and simpler setup. The new Section 208.5 would require that any person whose case originates in juvenile court, if detained, shall remain in the juvenile facility until age 21 and can only be moved to an adult facility with the approval of the Juvenile Court. The trigger in current law that allows transfers to juveniles reaching age 18 or 19 to county jail is removed, as is the BSCC approval process for mixed-age facilities. Under SB 1111, a transfer of a person over age 18 from a juvenile to an adult facility can only occur if the probation department petitions the Juvenile Court for transfer. At that point, the Juvenile Court must hold a hearing in which it applies welfare and safety criteria listed in the bill to rule on the facility transfer request. For those whose cases are transferred from juvenile court to adult court jurisdiction, the same rules would apply in order to move the person to an adult facility, and the juvenile facility will remain the presumptive place of detention to age 21 for those whose cases were transferred to adult court. SB 1111 also retains the current provision of WIC 707.01 that upon transfer of a case to the jurisdiction of the criminal court, the person is entitled to release on bail or own recognizance in the same manner as adults. ***To the Senate Public Safety Committee.***

**☑ *SB 1126 (Jones, R. – Santee). Access to sealed juvenile offense records for competency determinations.*** SB 1126 modifies Welfare and Institutions Code Section 786 which currently establishes a process for the “auto-sealing” of juvenile offense records by the Juvenile Court upon a juvenile’s satisfactory completion of a term of probation. This bill would add a further exception to the statutory list of circumstances under which a WIC 786 sealed record can be accessed or utilized for specific purposes. The bill provides that where a new petition is filed against a minor having a WIC 786 sealed record and the issue of competency is raised in the new proceeding, the parties to the proceeding (including prosecution, defense, probation, courts) may access, inspect or use information in the sealed record pertaining to prior competency evaluations and other competency-related information including school records and test results. The information may be accessed only for the purposes of evaluating the minor’s competency and providing remedial services and shall not be used to support the imposition of sanctions or penalties on the minor. Non-substantive changes to WIC Sec. 361.5 were deleted by March amendment. ***To the Senate Public Safety Committee.***

**☑ *SB 1134 (Beall, D. – San Jose). Six-month limit on juvenile probation, other juvenile probation limits.*** As amended April 1, SB 1134 adds Section 602.05 to the Welfare and Institutions Code stating that when a minor is adjudged to be a ward of the court under Section 602 and placed on probation supervision in the community, the period of probation supervision shall not exceed six months. SB 1134 further provides that court may extend the probation period for another six months after a noticed hearing and upon “proof by clear and convincing evidence that it is in the ward’s best interest”. For any extension, the probation department must submit a report to the court detailing the basis for any request to extend. If the court grants the extension, it must state its reasons for extending in the minute order and must schedule a follow-up hearing to be held within six months. The bill also amends WIC Section 730 to further modify the terms of juvenile probation. Under this bill, any conditions of probation ordered by the court must be “individually tailored, developmentally appropriate and reasonable” and must be “fitting and proper to the end that justice may be done and the reformation and rehabilitation of the ward enhanced.” The bill also deletes broad language in Section 730 that presently allows the Juvenile Court to impose any and all reasonable conditions of probation deemed fitting and proper to serve the broad interests of justice and rehabilitation. ***To the Senate Public Safety Committee.***

***SB 1290 (Durazo, D. - L.A., and Mitchell, D.- L.A.). Vacating older assessments and orders to pay county juvenile justice fees***. In 2017, California eliminated many court and county fees imposed on juveniles or their parents or guardians for the processing, detention, supervision or attorney representation in the juvenile justice system (Senate Bill 190) This bill would vacate lingering orders or assessments that were made prior to the 2018 effective date SB 190, as consistent with the changes made by SB 190.  ***To the Senate Public Safety Committee.***

*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)*.*