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**JUVENILE JUSTICE AND  
RELATED YOUTH PROGRAM BILLS**  
in the 2022 Session of the California Legislature

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***March 11, 2022***

***JUVENILE JUSTICE BILLS INTRODUCED AND PENDING IN THE  
2022 CALIFORNIA LEGISLATIVE SESSION***

This report describes bills introduced in the 2022 session of the California Legislature on the subjects of juvenile justice, youth crime prevention, probation foster care and related topics. This is the second year of a two-year session. The deadline for introducing new bills this year was February 18<sup>th</sup>. The deadline for new bills (those having a fiscal impact) to pass policy committees in the house of origin is April 29<sup>th</sup>.

We will continue to track budget, bills and administrative actions that impact the realignment of the state Division of Juvenile Justice (DJJ) including the funding and oversight of county-level facilities for realigned DJJ youth. Several technical amendments to the major DJJ realignment bills (SB 823, SB 92) are likely to be advanced through the budget process this year. We will be on the lookout for all legislative and administrative activity affecting county management of the juvenile justice caseload that has now shifted from state to local control.

Our March reports usually include a number of spot bills for which substantive content will be added at a later date. We will be covering these as content is added, plus additional bills as they are amended or identified as having juvenile justice system impact in the months ahead.

The full text of bills can be found on the state legislative website: [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).

## **Assembly bills**

***AB 503 (Stone, D. - Santa Cruz). Time limits on juvenile probation supervision; new criteria for juvenile court probation orders; elimination of mandatory probation sanctions and conditions.***

- **Probation supervision time limit.** AB 503 adds Section 602.05 to the Welfare and Institutions Code, providing that a juvenile who is a ward of the court under Sec. 601 (status offense) or Sec. 602 (criminal offense), and who is subject to an order of probation under Section 727, shall not remain on probation for a period longer than six months. An exception allows the court to extend the six month probation term for up to six additional months, upon a finding (based on a preponderance of evidence) that extension of probation is in the ward's best interest. At an extension hearing, the probation department must submit a report to the court describing the basis for extension, and the ward's attorney and the prosecutor may submit

relevant evidence. If the court decides to extend probation, it must state its reasons on the record. As structured, the bill would allow multiple probation extension hearings and periods, so long as the criteria for each such extension period are met. A somewhat confusing amendment added in August of 2021 states that if the court “chooses not to accept any evidence, it shall state the basis for denying the evidence”—an add-on that may draw further inquiry.

- **Conditions of probation supervision.** In addition, AB 503 modifies WIC Section 730 by providing that where the court at disposition imposes conditions of probation, the conditions must meet two new criteria as follows: (1) *The conditions are individually tailored, developmentally appropriate, and reasonable, and* (2) *The burden imposed by the conditions shall be proportional to the legitimate interests served by the conditions.*
- **SYTF commitments, termination of jurisdiction.** AB 503 includes an exemption from its probation supervision controls for youth who, based on commission of a serious or violent offense, are committed to a Secure Youth Treatment Facility (SYTF) and are subsequently transferred to a “less restrictive program” as provided in WIC Section 875. The bill also ensures that the juvenile court, when terminating probation jurisdiction, holds the required termination hearing under WIC 607.2 with the added provision that extended jurisdiction may not be the basis for continuing probation supervision conditions; this latter adjustment helps to ensure that youth who move from delinquency to continuing dependency status are not saddled with older probation conditions.
- **Relief from mandatory sanctions.** Finally, the bill modifies multiple statutes that require the juvenile court (with some exceptions) to impose specified sanctions on WIC Section 601 or 602 wards or their parents, by making the imposition of those sanctions discretionary by the court rather than mandatory in each case. Among the affected sections are WIC Sec. 729 (ward must make restitution or perform community service in school battery cases); WIC 729.1 (for offenses committed on public transit, ward must wash, paint or repair damaged property or perform community service); WIC 729.2 (mandatory curfew for 601s and 602s, mandatory ward or parental participation in school or parent education programs); WIC 729.6 (in school battery cases, ward must attend counseling at parents’ expense); WIC 729.8 (mandatory community service in cases involving drug possession, use or sale on school or church property); WIC 729.9 (any 602 ward with drug possession, use or sale offenses must submit to drug and substance abuse testing at the direction of the probation officer); WIC 742.16 (for listed vandalism and graffiti offenses, ward must repair damage, make restitution or perform community service and parents must pay costs and damages under listed conditions). For each of these statutes, AB 503 makes the imposition of the statutory sanctions by the court discretionary rather than mandatory. AB 503 also eliminates the WIC Section 730.6 authority granted to a county Board of Supervisors to impose an administrative fee on wards for costs associated with the collection of restitution fines.

***Status: The bill is flagged by Legislative Counsel as a non-fiscal bill. It passed policy committees in both houses and was held on the Senate floor at the end of the 2021 session. The bill remains positioned for a final Senate vote without further policy committee hearings.***

***AB 1599 (Kiley, R. – Rocklin). Repeal of Proposition 47.*** This bill would move the clock back on Proposition 47 provisions that converted felonies for many crimes to misdemeanors. Felony threshold values for various theft and property crimes are reduced to \$400 from \$950, among other changes restoring felony status to Prop 47 revised offenses. The bill also deletes retroactivity provisions of Prop 47 that allow persons to reduce prior felony convictions to misdemeanors. Requires approval by the Legislature and by voters to be enacted into law. ***Failed passage in the Assembly Public Safety Committee on March 8, reconsideration granted.***

**AB 1615 (Ting, D. – S.F.) Expanded eligibility of youth for transitional housing and homeless programs.** This bill expands the current criteria defining the eligibility of former foster youth for transitional housing and homelessness support programs. Upper age eligibility for the Transitional Housing Program Plus (THPP) would rise to age 25 from age 24 for former foster youth as defined. New and expanded eligibility criteria are added for housing assistance and support under the “Bringing Families Home” Program (WIC Sec. 16523). The bill expands the age of eligibility (from age 21 to 24) for the renamed “Housing Navigation and Maintenance Program” which provides assistance to former foster youth in securing housing, Makes other changes in housing and homeless support programs. **To the Assembly Committee on Housing and Community Development.**

**AB 1630 (Weber, D. – San Diego ). Incompetency.** This CPDA-sponsored bill revises the criminal court process for determinations of incompetency in adult proceedings. It essentially shifts the burden of establishing competence to the prosecution, first by removing the requirement that the defense must go forward with evidence of incompetency after a mental health professional report indicating incompetency. The bill also requires an examining mental health professional to evaluate whether the defendant is eligible for a mental health diversion program. Makes other procedural changes to incompetency determinations. Applies to adult criminal proceedings but is of interest with respect to WIC Section 790 (juvenile incompetency) which does not embrace the changes proposed by AB 1630. **To the Assembly Public Safety Committee.**

**AB 2321 (Jones-Sawyer, D. – L.A.). Juvenile room confinement.** AB 2321 amends WIC Section 208.3 which imposes limits on the use of room confinement in state and local juvenile justice facilities, including limits on the length of time juveniles can be confined in their rooms or cells. Current law exempts “brief periods of locked room confinement” from the definition of room confinement, effectively creating a zone in which the Section 208.3 do not apply, This bill specifies that the brief exemption (unprotected) period may not exceed one hour and only when necessary for institutional operations. The bill also requires that minors who are confined in any state or county juvenile facilities must be provided with reasonable access to toilets at all hours including normal sleeping hours. **To the Assembly Public Safety Committee.**

**AB 2361 (Bonta, D. – Alameda). Criteria for transfers of juveniles to adult criminal court.** Under current law, a juvenile court hearing a prosecutor’s motion to transfer a juvenile to the adult system must base its decision on criteria listed in WIC Section 707. These criteria include factors such as the minor’s degree of criminal sophistication, the minor’s prior delinquent history and whether the minor can be rehabilitated prior to the expiration of juvenile court jurisdiction. AB 2361 would additionally require the court, in ordering transfer to the adult system, to find that “*the minor is not amenable to rehabilitation while under the jurisdiction of the juvenile court.*” **To the Assembly Public Safety Committee.**

**AB 2417 (Ting, D. – S.F. ) Youth Bill of Rights.** WIC Section 224.70 currently provides that youth committed to the state Division of Juvenile Facilities have enumerated rights including adequate health, hygiene and education programing; protection from race and gender discrimination; limits on use of restraints; a ban on excessive disciplinary practices and other enumerated rights. This bill substantially expands the individual rights listed in Section 224.70 and it applies the Bill of Rights to any public or private place of confinement juvenile operated directly by, or under contract with, a probation department or juvenile court. The bill also tasks the Office of Youth and Community Restoration (OYCR) with ensuring that the Bill of Rights is posted in

youth facilities, with dissemination of the Bill of Rights to affected youth and with stronger investigatory and enforcement authority related to Bill of Rights violations. ***To the Assembly Public Safety Committee.***

***AB 2543 (V. Fong, R.- Bakersfield). Proposition 47 offense additions.*** This bill amends PC Section 459.5 to erode the \$950 threshold of Prop 47 for felony shoplifting by providing that two or more shoplifting events within 12 months having a cumulative value above \$950 will qualify as wobblers with the option of felony level sentencing. The bill also provides that burglary of a railroad car or container is burglary of the first degree. ***To the Assembly Public Safety Committee.***

***AB 2545 (Muratsuchi, D. – Torrance). Proposition 47, offense addition.*** This bill provides that a person who receives a firearm known to be stolen, regardless of its value, and who sells or conceals the firearm, is subject to either misdemeanor or felony level punishment. As an amendment to Proposition 47 provisions on receiving stolen property, this bill requires legislative approval and approval by voters for enactment. ***To the Assembly Public Safety Committee.***

***AB 2595 (Jones-Sawyer, D. – L.A.). Dependency jurisdiction, cannabis possession or use.*** This bill creates a new exemption from dependency jurisdiction by stating that Sec. 300 jurisdiction cannot be based solely on the possession or use of cannabis products or accessories by the child’s parent or solely on a positive parental cannabis drug test. ***Pending referral to committee.***

***AB 2629 (Santiago, D. – L.A.). Dismissals of delinquency petitions.*** Spot bill anticipating further amendment of WIC Section 782 which presently authorizes the juvenile court to dismiss a petition and delinquency findings in the interests of justice. An expansion of the court’s dismissal power under Section 782 could be helpful to youth who are seeking to have their juvenile court record sealed, who seek employment in jurisdictions that do not honor California sealing orders or who seek to eliminate juvenile “strikes” that could result in sentence enhancements in adult criminal proceedings. ***Pending referral.***

***AB 2644 (Holden, D. – Pasadena). Statements procured under duress in juvenile interrogations.*** For any criminal or juvenile proceeding, AB 2644 renders a statement of a youth age 25 or younger inadmissible as evidence where a law enforcement officer has obtained the statement using “threats, physical harm, deception or manipulative interrogation tactics”. The bill includes definitions for deception and manipulative interrogation tactics. An exemption is stated for situations in which the law enforcement officer reasonably believes that the information is necessary to protect life or property from an imminent threat and that the information was reasonably related to an imminent threat. The bill also amends WIC Sec. 627 to require, for minors who are placed in a juvenile hall or other place of confinement, that the probation officer must immediately (within one hour of confinement) notify the public defender or alternate defense counsel that the minor has been taken into custody. ***To the Assembly Public Safety Committee.***

***AB 2658 (Bauer-Kahan, D. – Orinda). Electronic monitoring.*** AB 2658 adds WIC Section 628.2 providing new protections for juveniles placed on electronic monitoring. It defines electronic monitoring as any “technology used to identify, track, record, or otherwise monitor a minor’s location or movement through electronic means”. The bill states that electronic monitoring shall not be used to eavesdrop on or to record any conversation. It further provides that where electronic monitoring is imposed for a period exceeding 30 days, the court shall hold a hearing to ensure that the minor’s time on EM is not unreasonable and to consider whether there are less restrictive conditions of release that would achieve the rehabilitative purpose of the juvenile court; in this

respect the bill provides that if less restrictive conditions of release are warranted, the court shall order removal of the electronic monitoring or related remedies. The bill also requires the state Department of Justice to collect data regarding the use of electronic monitoring on juveniles.  
***Pending referral to committee.***

## **Senate bills**

### ***SB 904 (Bates, R. – Laguna Niguel). Mandatory completion of substance abuse programs.***

Under current law, juveniles and adults placed on probation for the violation of any controlled substance offense must participate in a court-ordered substance abuse education or treatment program (Health & Safety Code Sec. 11373). This bill toughens the requirement by requiring that the probationer (adult or minor) must successfully complete a controlled substance abuse education or treatment program that is approved by the probation department (or alternatively, by a community agency designated by the court). The bill retains a Sec. 11373 provision that requires parents of covered minor-probationers to participate in the controlled substance program to the extent that such participation will “aid the education or treatment of the minor”. The bill applies these same requirements to any minor or parent upon a finding by the juvenile court that the minor has been in possession of a controlled substance. Other sections of the bill describe the scope and contents of controlled substance education and treatment programs that are mandated by the bill.

***In the Senate Public Safety Committee for hearing March 22.***

***SB 1071 (Umberg, D. - Santa Ana ). Inspection of juvenile case files.*** WIC Sec. 827 presently authorizes attorneys, judges, probation and law enforcement officers who are actively participating in a juvenile or criminal proceeding to access case files involving the minor. This bill extends that authorization to listed participants in administrative hearings involving the minor. ***Triple-referred to the Committees on Human Services, Judiciary and Public Safety.***

***Bill digests by David Steinhart, Director of the Commonweal Juvenile Justice Program. Copies of this report can be accessed on the Commonweal JJ Program website at: [www.comjj.org](http://www.comjj.org)***