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JUVENILE JUSTICE BILLS
in the 2023 Session of the California Legislature

March 1, 2023

JUVENILE JUSTICE BILLS INTRODUCED IN THE 2023 SESSION OF THE CALIFORNIA LEGISLATURE

The first year of a new two-year session of the California Legislature is well underway. February 17th marked the last day for the introduction of bills in 2023. This report covers bills that have been introduced on the subjects of juvenile justice, youth crime prevention, probation foster care and related matters. This is our first California legislative report for 2023. As before, we will be tracking and reporting on bills, including amendments and committee status, as they progress through the legislative season which runs until September 14th this year.

Many of the bills you will see in this report are “spot” bills that lack substantive content. They have been introduced as “bare bones” placeholders to meet the bill introduction deadline. We will update these bills as content is added by legislative authors, and we will update all bills on the tracking list as they are amended and assigned to legislative committees. As is often the case early the legislative year, we discover additional bills that having juvenile justice content that have been overlooked or have been amended to become bills of interest, and we will add those to our tracking reports as they become known.

Bill status reports in this edition are current through 2/28/23. The full text of bills can be found on the state legislative website: www.leginfo.legislature.ca.gov. Archived Commonweal reports and other information on legislation, budget and policy covering a range of youth justice issues can be accessed on the Commonweal Juvenile Justice Program website: www.comjj.org.

Assembly bills

AB 61 (Bryan, D. – L.A.). Release of minor if probable cause determination not made within 48 hours. AB 61, as amended on 2/23, includes a new requirement that a minor who has been taken into custody must be released within 48 hours if the minor has not received an initial judicial determination of probable cause. The bill provides that the initial determination may be based on sworn statements from the arresting officer, may be conducted in chambers or remotely by the court, and need not be an adversarial proceeding. The bill provides that the determination may also occur at the detention hearing described in Section 632 if that hearing occurs within 48 hours after the arrest. ***To the Assembly Public Safety Committee for hearing March 7.***

AB 268 (Weber, D. – San Diego). Board of State and Community Corrections (BSCC). AB 268 would add two new members to the 13 member BSCC Board—including a licensed health care provider and a licensed mental health care provider, both to be appointed by the Governor and subject to Senate confirmation. In addition, the bill requires BSCC to adopt new minimum standards for mental health care in local correctional facilities (i.e., jails) that meet or exceed the standards for health services established by the National Commission on Correctional Health Care. The bill includes specific requirements for the new standards, including that mental health

screening at booking or intake must be done by a qualified mental health professional as defined in the bill. As drafted the bill would not amend or augment BSCC standards for local juvenile justice facilities. **To the Assembly Public Safety Committee, hearing set for 2/28.**

AB 327 (Jones-Sawyer, D. – L.A.). Department of Justice crime data—incident-based reporting. The California Penal Code (Sections 13010, 13020) requires the state Dept. of Justice to collect and publish crime data including crime reports to the federal government, and it further requires listed state and local law enforcement agencies to report crime data to the state Dept. of Justice in a form prescribed by the state Attorney General. This bill requires DOJ and local reporting agencies to collect and report crime data using incident-based reports rather than summary reports, in alignment with the federal National Incident Based Crime Reporting System. The bill does not state a target date for conversion of the DOJ data system to incident-based reporting but instead states a soft mandate for achieving completion of the state’s transition to incident-based reporting. **To the Assembly Public Safety Committee for hearing March 7.**

AB 328 (Essayli, R. - Riverside). Dismissals of enhancements in criminal proceedings. AB 328 amends Penal Code Section 1385 which establishes a court process for dismissals of sentence enhancement offenses based on multiple criteria, including that the person was a juvenile when the offense triggering the enhancement occurred. This bill bars dismissals under any of the listed criteria where the enhancement is based on an offense listed in Penal Code Section 12022.53 (use of a firearm in the commission of a felony). **To the Assembly Public Safety Committee for hearing March 7.**

AB 428 (Waldon, R. - Escondido). Board of State and Community Corrections (BSCC). Spot bill stating intent to enact unspecified legislation relating to BSCC. **Not yet assigned.**

AB 505 (Ting, D – San Francisco). Office of Youth & Community Restoration. Spot bill making non-substantive amendments to WIC Sec. 2200 which states the mission and responsibilities of the HHS Office of Youth and Community Restoration. **Not yet assigned.**

AB 600 (Ting, D.- San Francisco). Resentencing procedure. AB 600 modifies the current procedure outlined in Penal Code Section 1172.1 for the resentencing of persons committed to state prison or county jail for the commission of a felony. Currently Section 1172.1 lists the trigger events and criteria that can generate the resentencing process. Among these is a provision that the court may on its own motion and within 120 days of commitment initiate the resentencing process. This bill modifies the 120 day window by adding the court may also initiate recall proceedings on its own motion “...at any time if the applicable sentencing laws at the time of original sentencing are subsequently changed by new statutory authority or case law.”. In addition the bill removes the current requirement that both the defendant and the district attorney of the sentencing county must agree to any reduced term of imprisonment ordered by the court. The bill does not apply to juvenile court proceedings but could impact the resentencing process as applied to juveniles convicted in adult criminal courts. **In the Assembly Public Safety Committee for hearing on March 14.**

AB 695 (Pacheco, D. - Downey). Juvenile Detention Facilities Improvement Grant Program. AB 695 creates a new juvenile facility grant program to be administered by Board of State and Community Corrections (BSCC). The bill states a “critical need for infrastructure improvements” to ensure that the needs of adjudicated youth are addressed. The bill vests BSCC with broad discretion to create the grant program “based on the priorities for infrastructure improvement” and to meet “preliminary performance outcomes” as defined by the Board. The bill limits the grant program to counties of the “first class” as defined in Govt. Code Section 28022. The only county that qualifies as a county of the first class under that code section ([population exceeding 4 million] is Los Angeles. **To the Assembly Public Safety Committee.**

AB 702 (Jackson, D. - Riverside). Juvenile Justice Crime Prevention Act (JJCPA). Spot bill making nonsubstantive changes to Govt. Code Section 30061 which establishes and defines the terms of the Juvenile Justice Crime Prevention Act (JJCPA) that supplies counties with annual funds in excess of \$150 million each year. JJCPA funds support local juvenile crime prevention programs and strategies that are implemented according to a locally developed county juvenile justice plan. **Not yet assigned.**

AB 808 (Mathis, R. - Porterville). Increased penalty for rape of child. AB 808 amends Penal Code Section 264 to increase the penalties for rape of a minor where the minor is also a person who lacks the ability to consent due to mental disorder or other disability. **Not yet assigned.**

AB 862 (Bauer-Kahan, D. – Orinda). Sheriff reports to BSCC on county jail programs and recidivism rates. AB 862 requires each county sheriff by 1/1/25 to compile and submit data to the Board of State and Community Corrections (BSCC) on all education, rehabilitation and exercise opportunities provided in each county jail, and on the overall recidivism rate for each county jail. The measure of recidivism as defined in the bill is any new misdemeanor or felony conviction or probation violation incurred by an individual within three years of release. BSCC is to produce a report to the Legislature by 7/1/25 based on the data submitted. Juvenile justice facilities are not referenced in this draft of the bill. **To the Assembly Public Safety Committee.**

AB 898 (Lackey- R. - Palmdale). Reports on injuries to juvenile hall staff. AB 898 requires each juvenile probation department to file an annual report with the Board of State and Community Corrections describing any and all injuries by a juvenile hall “resident” to the staff of the facility, including the age of the resident, the injury sustained and whether the DA has filed criminal charges against the resident. **To the Assembly Public Safety Committee.**

AB 912 (Jones-Sawyer, D. – L.A.). Five new youth justice grant programs. AB 912 creates the following new state-level youth justice grant programs:

- **Youth Reinvestment Grant Program.** The existing Youth Reinvestment Grant Program at the Board of State and Community Corrections is moved to the Office of Youth and Community Restoration (OYCR). The bill appropriates \$50 million to OYCR to administer a new round of YRG grants.
- **Mental health services grants.** AB 912 directs the state Dept. of Education to award competitive grants to K-12 school districts for the sole purpose of hiring social workers and mental health professionals to improve youth health and well-being and community stability. The bill appropriates \$50 million to the Department for this grant program.
- **Cognitive Behavioral Intervention for Trauma Pilot Program.** The bill directs the Health and Human Services Agency to administer a five county pilot program of grants to schools in Alameda, Fresno, Kern, Merced, Tulare and Los Angeles counties, to implement the Cognitive Behavioral Intervention for Trauma in Schools (CBITS) program with an appropriation of \$50 million to HHS.
- **Dept. of Justice Violence Prevention & Reduction grant program.** AB 912 directs the state Department of Justice to award competitive grants for defined outreach programs to reduce gang involvement and gang violence and appropriates \$50 million to DOJ for this purpose.
- **Dept. of Parks and Recreation grants.** AB 912 directs the Department of Parks and Recreation to administer a program of grants to local governments and CBOs to support parks and rec programs including sports and education programs to enhance recreation and health based interventions for youth during peak times of violence; appropriates \$50 million for this Parks and Rec grant program.

To the Assembly Public Safety Committee.

AB 945 (Reyes, D. – Colton). Community-based corrections spot bill. Spot bill making nonsubstantive changes to Penal Code Section 17.5 which declares the intent of the Legislature to support community-based “justice reinvestment” programs to reduce recidivism. **Not yet assigned.**

AB 1039 (Rodriguez, D. - Chino). Dismissals of enhancements in criminal proceedings, spot bill. AB 1039 makes a nonsubstantive amendment to Penal Code Section 1385 which currently establishes a process for the dismissal of enhancements under listed criteria including that the defendant was a juvenile when having committed the offense or offenses triggering the sentencing enhancement. **Not yet assigned.**

AB 1090 (Jones-Sawyer, D. – L.A.) Management of juvenile halls. Current law (WIC Sec 852) provides that a county juvenile hall shall be under the control and management of the probation officer. This bill would permit the Board of Supervisors of any county to determine by resolution of the Board that the juvenile hall shall instead be under the management and control of an appointed executive officer. The bill conforms other sections of the Welfare and Institutions Code to include reference to management of the juvenile hall by an executive officer in lieu of management by the probation department. **Not yet assigned to committee.**

AB 1118 (Kalra, D. – San Jose). Racial Justice Act spot bill. AB 1118 makes a nonsubstantive change to Penal Code Section 745 commonly referred to as the Racial Justice Act which prohibits discrimination in juvenile and criminal proceedings based on race and provides remedies for prosecutions, convictions or adjudications involving racial bias or discrimination. **Not yet assigned to committee.**

AB 1186 (Bonta, D. – Oakland). Elimination of juvenile justice restitution orders. Bonta’s bill states intent to eliminate the court’s authority to impose financial restitution orders on juveniles, citing the harm done to youth who cannot make payments as well as evidence of racial bias in the current restitution system. AB 1186 would replace juvenile restitution orders with a mechanism to compensate crime victims through payments from the California Victim’s Compensation Board in satisfaction of the victim’s court-ascertained economic losses. The new victim compensation system is described succinctly in an amendment to WIC Section 730.6 stating that *“it is the intent of the legislature that no minor or the minor’s parent or guardian shall be ordered to pay restitution to a victim that incurred economic loss as a result of the conduct of that minor. Upon issuance of a restitution order from the juvenile court, victims shall receive restitution directly from the California Victim Compensation Board”*. AB 1186 makes sweeping changes to multiple code sections that presently reference or authorize juvenile restitution orders imposed on youth or their families. In that regard, WIC Sec 202 (the “purpose” section) and WIC Section 730 (ward dispositions) are amended to explicitly remove the court’s authority to impose a restitution payment order, and to instead authorize the court to order the minor to *“make amends...by participating in a restorative justice program, performing community service, or participating in an educational, employment, youth development, or mental health program.”* The amendment to WIC Sec. 730 adds that *“All of these nonmonetary accountability options shall be youth appropriate, limited to no more than 25 hours, not interfere with the minor’s school or work commitments, and provided at no cost to the minor or their parent or guardian.”* Multiple other WIC and Penal Code sections are amended or repealed to enact a replacement system of juvenile justice accountability that eliminates monetary payments by youth in favor of restorative justice alternatives and publicly funded payments to victims. Other amendments revise program-related orders of the court--- for example, an amendment to WIC Section 730 eliminates the requirement that a minor or parents must pay the costs of a court-ordered sex offender treatment program. The bill retains the current code provisions that allow a minor to dispute a prior restitution order. This bill is drafted at a high level of detail, and those interested are advised to read the full text of bill for full appreciation of its proposed changes. **Not yet assigned to committee.**

AB 1226 (Haney, D. – San Francisco). State prison placements nearest home and home of child. AB 1226 would repeal and replace Penal Code Section 5080 with updated provisions on the placements of new prisoners in relation to their homes and families. The revised Section 5080 requires the state Department of Corrections & Rehabilitation to perform a more thorough evaluation of each person newly committed to state prison, to ensure that the person is assigned to the most appropriate state institution that is closest to the incarcerated person's home. If the newly committed person has a child under the age of 18, the bill also requires CDCR to place the person in the institution that is "...located nearest to the primary place of residence of the person's child, provided that the placement is suitable and appropriate, would facilitate increased contact between the person and their child, and the incarcerated parent gives their consent to the placement." If the person has more than one child under the age of 18, the Department must make separate prisoner placement determinations in relation to each child. **Not yet assigned.**

AB 1506 (Quirk-Silva, D. – Fullerton). Minor's rights upon referral to probation, spot bill. AB 1507 makes nonsubstantive changes to WIC Section 627.5 which presently directs the probation officer, upon referral of a minor, to advise the minor of his or her constitutional rights including the right to counsel. **Not yet assigned.**

AB 1514 (Reyes, D. – Colton). Division of Juvenile Justice, spot bill. Makes a nonsubstantive amendment to WIC Section 1000 which is the blanket statute changing all references to the California Youth Authority to refer instead the Division of Juvenile Facilities (a.k.a. DJJ). **Not yet assigned.**

AB 1547 (McKinnor, D. – L.A.) Childhood sexual assault actions, statute of limitations, juvenile facilities. California Code of Civil Procedure (CCP) Section 340.1 extends the statute of limitations for filing an action for damages due to a childhood sexual assault to 22 years from the date the plaintiff attains the age of majority or five years from when the damage was discovered, whichever expires later. This bill would, for short extension periods, revive a childhood sexual assault claim against an employee of a juvenile probation camp or detention facility, or against an employee of the Division of Juvenile Justice, where that claim would otherwise have been barred by the CCP 340.1 statute of limitations. **Not yet assigned to committee.**

AB 1582 (Dixon, R. – Huntington Beach). Secure Youth Treatment Facilities. AB 1582 amends the eligibility and criteria for commitment of a juvenile to a Secure Youth Treatment Facility (SYTF). The bill eliminates the provision at WIC Sec 875 (a) (2) that in order to qualify for an SYTF commitment, the individual's qualifying WIC 707 (b) offense must be the "most recent offense for which the juvenile has been adjudicated". In effect, this would allow a current SYTF commitment for an older WIC 707 (b) offense that was previously handled without a commitment to DJJ or to a Secure Youth Treatment Facility. **Not yet assigned.**

AB 1643 (Bauer-Kahan, D. – Orinda). Damage value threshold for probation referrals to the DA and for informal supervision programs. Under current law, a minor referred to the probation department for an offense for which victim restitution would exceed \$1,000 must be referred within 48 hours to the district attorney for a prosecutor decision whether to file formal charges in the case (WIC. Sec. 653.5). In addition, under current law where the minor's behavior would trigger restitution exceeding \$1,000, the minor becomes ineligible for referral to an informal program of supervision by the probation officer (WIC Sec. 654) or by the court (WIC Sec. 654.2). This bill raises the damage threshold for mandatory referral to the DA, or for referral to a program of informal supervision, from \$1,000 to \$5,000. In other words, juveniles presently excluded from probation-only processing and informal supervision programs, due to exceeding the \$1,000 damage threshold, would have eligibility restored for those informal dispositions as long as the restitution value does not exceed \$5,000. **Not yet assigned.**

Senate bills

SB 9 (Cortese, D – San Jose). Extending dependency jurisdiction to age 26. Current law (WIC Section 303) provides that the juvenile court may retain jurisdiction over any person who is found to be a ward or dependent child until the ward or dependent child attains 21 years of age. SB 9 extends the courts dependency jurisdiction from age 21 to age 26, while retaining the cap of age 21 for wardship (delinquency) jurisdiction. Intent language in the bill cites research conducted by the Chapin Hill School of Social Work in Chicago indicating that outcomes for foster using different measures (e.g., education, employment, avoidance of homelessness) are improved during longer periods of court jurisdiction and access to foster care benefits. The bill makes other changes regarding termination of jurisdiction for delinquent and dependent or transitional jurisdiction wards to conform to the proposed extension of dependency jurisdiction to age 26. **To the Senate Human Services Committee for hearing March 20.**

SB 46 (Roth, D. - Riverside). Mandatory drug education and treatment programs. Among its other provisions, SB 46 amends Health & Safety Code Sec. 11373 which presently requires a juvenile who is adjudicated for possession of a controlled substance to “receive education or treatment” from a local community agency if the service is available and the person is likely to benefit from the service. Current law also requires the juvenile court to order the minor’s parents to participate in the program, to the extent the court determines that parental participation will aid the education or treatment of the minor. SB 46 amends these provisions to instead require that a minor who is found to possess any controlled substance must “complete successfully a controlled substance education or treatment program” from a community agency designated by the court. SB 46 retains the provision that the minor’s parents shall be ordered to participate in the program to the extent the court determines that such participation will aid the education or treatment of the minor. The bill eliminates the provision of current law that, in making the education and treatment order, the court must also determine that “the person is likely to benefit from the service”. Other parts of the bill apply similar program order provisions to adults convicted of drug possession offenses, while spelling out the criteria for education and treatment programs elements covered by the bill. **To the Senate Public Safety Committee for hearing on March 14.**

SB 266 (Newman, D. – Fullerton). California Gang, Crime and Violence Prevention program spot bill. Spot bill making nonsubstantive changes to Penal Code Section 13825.1 which is the first in a series of code provisions defining the program elements for this crime and violence prevention program administered by the state Department of Justice. **Not yet assigned.**

SB 442 (Limon, D. – Santa Barbara). Sexual battery. SB 442 amends the sexual battery statute (PC 243.4) to add to the existing elements of that crime the element of “causing another, against that person’s will, to masturbate or touch an intimate part of either of those persons or a third person.” **To the Senate Public Safety Committee.**

SB 448 (Becker, D. – Menlo Park). Juvenile detention criteria. SB 448 amends the criteria for a court order that a minor be securely detained (at WIC Sections 635 and 636), by specifying that a court’s decision to detain the minor “...shall not be based on the minor’s county of residence”. **To the Senate Public Safety Committee.**

SB 519 (Atkins, D. – San Diego). Board of State and Community Corrections. SB 519 amends Penal Code Sec. 6024 defining the mission of the Board of State and Community Corrections (BSCC), by adding that the mission of BSCC includes “..to promote legal and safe conditions for youth, inmates, and staff in local detention facilities.” **To the Senate Public Safety Committee.**

SB 545 (Rubio, D. – Baldwin Park). Transfers of minors to adult criminal courts. SB 545 imposes a ban on the transfer of a juvenile to the jurisdiction of the criminal court, where the court finds by clear and convincing evidence that the juvenile who is the subject of the transfer proceeding has been trafficked, sexually abused or sexually battered by the alleged victim of the transfer offense. If the court has already ordered the transfer, and the court then finds by clear and convincing that the juvenile has been trafficked, sexually abused or sexually battered by the alleged victim, the case must be remanded back to the juvenile court for further proceedings. **To the Senate Public Safety Committee.**

SB 761 (Laird – Santa Cruz). Access to juvenile records in civil rights actions. Among its other provisions, SB 761 amends WIC Sec. 827 on access to juvenile case files to permit the state Dept. of Justice to access a juvenile case file “...to carry out investigations regarding civil rights violations at the discretion of the Attorney General under Section 12535 of the Government Code.” **Not yet assigned to committee.**

Bill digests by David Steinhart, Director of the Commonweal Juvenile Justice Program. Copies of this report can be accessed on the Commonweal Juvenile Justice Program website at: www.comjj.org