

COMMONWEAL
The Juvenile Justice Program
www.comjj.org

JUVENILE JUSTICE BILLS
in the 2023 Session of the California Legislature

July 14, 2023

**JUVENILE JUSTICE BILLS IN THE CALIFORNIA LEGISLATURE –
SUMMER RECESS REPORT**

This report covers bills tracked by Commonweal on the subjects of juvenile justice, youth crime prevention, probation foster care and related matters. Updates on bill amendments and committee status are current through Tuesday July 11th. Lawmakers have until July 14th—the start of the summer recess—to move their bills through policy committees in the opposite house. The Legislature will reconvene on August 14th for the final month of the session which ends on September 14th. Bills that failed to pass the house of origin by this year’s deadline of June 2nd have until January 31st of 2024 to pass the house of origin; these are flagged as “two year bills” in the report below. Floor votes where shown are in the order of “aye-no-not voting”. 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 California youth justice issues can be accessed on the Commonweal Juvenile Justice Program website: www.comjj.org.

Note: On July 1, 2023, the state Division of Juvenile Justice (DJJ) finally closed, pursuant to the California juvenile justice realignment reforms adopted in 2020/21. The 2023 legislature has amended DJJ realignment law and procedure in budget trailer bills that were signed into law by the Governor on July 10th and are effective immediately. The juvenile justice provisions of these 2023 trailer bills are summarized in a separate section at the end of this report.

Assembly bills

AB 58 (Kalra, D. – San Jose). Transition age youth pilot program. AB 58 was gutted and amended on June 19th into this bill that modifies the terms of the Transition Age Youth Pilot Program that was first adopted in 2018. Under the current version of the program, an adult with a qualifying felony committed between the age of 18 and 25, and who meets other statutory criteria for the program, can consent to be housed and receive juvenile justice programming in a juvenile justice facility in one of six counties that are participants in the pilot program. This is a deferred entry of judgement program, so that upon successful completion the charges are dismissed by the court. Adults who are housed in the juvenile facility under the program must be separated from juveniles. The six participating counties to date are Alameda, Butte, Napa, Nevada, Santa Clara and Ventura. This bill extends the current sunset date for the pilot program to January 1, 2026, while deleting Ventura County as a pilot program participant. It also extends the due date for the BSCC evaluation of the pilot program to December 21, 2024. **Passed the Assembly (as a labor relations bill); passed the Senate Public Safety Committee on 7/11; to the Senate Appropriations Committee.**

AB 61 (Bryan, D. – L.A.). Release of minor if probable cause determination not made within 48 hours. AB 61 modifies the process for arrest and detention of juveniles by adding a 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 new 48 hour rule does not include extensions for weekends or holidays—it's a straight 48 hours. The bill provides that the initial determination of probable cause 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 also provides that the determination may occur at the detention hearing described in Section 632 if that hearing occurs within 48 hours after arrest. Other, major sections of the bill modify adult criminal procedure by requiring that a magistrate's probable cause determination must be made within 48 hours of a warrantless arrest, inclusive of weekends and holidays, with related provisions on how the probable cause determination is to be made. ***Held in the Assembly Appropriations Committee. Two year bill.***

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. In June the bill was amended to change who those new members will be. The bill now adds the Secretary of the California Health and Human Services Agency or his/her designee having a medical degree, and a licensed mental health or behavioral health care "specialist" to be appointed by the Governor and subject to Senate confirmation. The author's goal is to augment the Board's expertise in addressing the health and mental health needs of California's local jail population. The bill also requires BSCC to adopt new minimum standards for mental health care in local correctional facilities that meet or exceed the standards for health services established by the National Commission on Correctional Health Care. The bill includes specific statutory 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 presently amend or augment BSCC standards for local juvenile justice facilities. ***Passed the Assembly(62-16-2), in the Senate Appropriations Committee.***

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. 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, with a deadline of January 1, 2025, for conversion to the new system. ***Held in the Assembly Appropriations Committee, two year bill.***

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 enhancements 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). ***Failed passage in the Assembly Public Safety Committee.***

AB 428 (Waldon, R. - Escondido). New California Department of Reentry. AB 428 would establish a new and independent California Department of Reentry. The mission of the new department is to provide "*leadership, coordination and technical assistance to promote effective state and local efforts and partnerships with California's criminal justice system to ensure successful reentry services are provided to incarcerated individuals preparing for release and within community supervision and parole*". Among the specific tasks for the new Department is that it shall "*focus exclusively on reentry programs in state prisons in coordination with the*

*Department of Corrections and Rehabilitation to ensure successful restorative results”. As amended in April, the bill no longer applies to juvenile justice facilities in California. **Held in the Assembly Appropriations Committee, two year bill.***

AB 505 (Ting, D – San Francisco). Office of Youth & Community Restoration, Board of State & Community Corrections, oversight of county juvenile justice facilities. AB 505 makes extensive changes in the mission, scope and authority of the HHS Office of Youth and Community Restoration (OYCR). The bill moves all current juvenile justice functions and operations of the Board of State and Community Corrections (BSCC) to OYCR as of July 1, 2025, including local juvenile facility standards and inspections, juvenile justice grants and juvenile justice data collection. AB 505 is a complex re-write of California juvenile justice law that includes the following specific provisions:

- *Facility standards, inspections and enforcement.* The bill moves all Title 15 and 24 juvenile facility standards and inspections from BSCC to OYCR as of 7/1/25. AB 505 empowers OYCR to then enforce its juvenile facility standards by imposing newly defined sanctions for violations including fines, civil penalties and orders of facility closure. In addition, the language of WIC Sec. 209 that now requires county judges to inspect juvenile halls is expanded to mandate that judges must inspect all county juvenile facilities including halls, SYTFs, camps/ranches and adult lockups used to detain minors. If the judge finds violations, the local enforcement process (corrective action plans, determinations of unsuitability) would then apply to all those facility types. (These Sec. 209 judicial inspection changes would take effect on 1/1/24 if the bill is enacted this year). Later, when OYCR assumes control of state minimum standards for juvenile facilities in 2025, the enforcement provisions would change again by adding the discretionary sanctions mentioned above (fines, closure) and by adding a new requirement that OYCR unsuitability determinations must be considered in public hearings with public input, and with the decision to be published within 10 days of the hearing.
- *OYCR ombudsperson.* New authority is vested in the OYCR Ombudsperson including the right to inspect or visit any juvenile facility at any time (rather than on 48 hours notice under current law); the right to interview youth and make audio or video recordings or photos of the visit; and the right to inspect and make copies of any and all juvenile facility records. The ombudsperson staff are mandated to conduct a site visit at every juvenile facility under the control of a local agency including those run by contract agencies, at least once per year.
- *Grants.* Under AB 505, all current BSCC juvenile justice grants would move to OYCR as of 7/1/25, including JJCPA and YOBG grant programs. The bill moves the state planning agency (State Advisory Committee) for federal JJDPA grants from BSCC to OYCR as of 7/1/25. AB 505 makes extensive revisions to the terms of the Juvenile Justice Realignment Block Grant (JJRBG)—the funding stream that provides state funds to counties as an integral feature of 2020 DJJ realignment (SB 823). These changes to the JJRBG would take effect in 2024 if the bill passes this year (not deferred to 2025). They would include a new requirement that OYCR must approve each county JJRBG spending plan and must verify approval to the Controller before the Controller can release block grant funds to the county; that the local JJRBG planning group must meet twice per year (rather than once each 3 years) to produce annual plan updates; that the plan must include review by community members of the local JJRBG subcommittee, with majority approval by subcommittee members; and deletion of the current requirement that the JJRBG subcommittee be chaired by the chief probation officer.
- *Data.* All BSCC juvenile justice data collection tasks, including the Juvenile Detention Profile Survey, are moved to OYCR as of 7/1/25.
- *Case files.* WIC Section 827 is amended to provide for access to juvenile case files by OYCR personnel when carrying out their duties.

Passed the Assembly(58-15-7), in the Senate Appropriations Committee.

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. The bill does not apply to juvenile courts but could impact the resentencing process as applied to juveniles convicted in adult criminal courts. **Passed the Assembly (48-17-15), in Senate Appropriations Committee.**

AB 695 (Pacheco, D. - Downey). Juvenile Detention Facilities Improvement Grant Program. AB 695 creates a new juvenile facility grant program to be administered by the HHS Office of Youth and Community Restoration (OYCR). The bill states a “critical need of infrastructure improvement to meet the basic needs of detained youth and, more critically, to meet the expanded requirement of providing a homelike environment that enhances rehabilitation”. The bill vests OYCR with the discretion to create the grant program “based on the priorities for infrastructure improvement” and to meet “preliminary performance outcomes” as defined by the Office. 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. Requires an appropriation by the Legislature. **Passed the Assembly (72-1-7). In the Senate Appropriations Committee.**

AB 702 (Jackson, D. - Riverside). Juvenile Justice Crime Prevention Act (JJCPA). AB 702 would overhaul the planning and administration requirements for the state’s long-standing Juvenile Justice Crime Prevention (JJCPA). The JJCPA was enacted in the year 2000 as a progressive response by the Legislature to the punitive provisions of Proposition 21, the Juvenile Crime Initiative sponsored by then-Governor Pete Wilson. Since then, the JJCPA has provided counties with an average of \$170 million per year statewide, plus annual adjustments, to support local juvenile crime prevention and supervision programs described in plans submitted to the Board of State and Community Corrections (BSCC) by local Juvenile Justice Coordinating Councils (JJCC’s). AB 702 responds to criticism by youth advocacy organizations that JJCPA funds are spent predominantly on probation department operations rather than for community-based youth services. AB 702 would require that 95 percent of each county’s JJCPA fund share must be allocated to community based organizations or public agencies that are not law enforcement agencies. County JJCPA spending plans are subject to new requirements as to the description and makeup of the target population to be served, and as to other elements including the requirement that the plan must provide for a continuum of care that is “...modeled on a framework of positive youth development and demonstrates a healing-centered, community-based, collaborative and integrated approach for at-promise youth and youth involved in the juvenile court system.” The makeup of the JJCC that produces each local plan is altered by amendments to WIC Sec. 749.22 that require half of its members to be “community representatives” including “at promise” and “currently or formerly system-involved” individuals, with one of the community representatives serving as a JJCC co-chair. AB 702 is a reintroduction of similar measures that failed to make it out of legislative committees in 2020 and 2021. **Not moved by the author; still in Assembly Public Safety Committee, two year bill.**

AB 808 (Mathis, R. - Porterville). Increased penalty for rape of developmentally disabled persons. AB 808 amends Penal Code Section 264 to increase the penalties for rape of a person who is developmentally disabled, with longer prison terms where the victim is a disabled person under the age of 14. **Failed passage in the Assembly Public Safety Committee.**

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 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 in the bill is any new misdemeanor or felony conviction or probation violation incurred 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 the bill. **Passed the Assembly (67-0-3), in the Senate Appropriations 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 to the staff or residents of a juvenile hall the facility, including information on the ages of residents involved, the extent of injuries sustained, staffing ratios at the time of the incident, whether the incident occurred at a Secure Youth Treatment Facility, and whether the DA filed criminal charges. June and July amendments also require the report to include a statement from any residents involved in the injury with the caveat that the statement is not to be taken by custodial staff in a position of power or influence over the resident making the statement. **Passed the Assembly(78-0-2), in the Senate Appropriations Committee.**

AB 906 (Gipson, D. – L.A.). Alternative and juvenile court schools. AB 906 adjusts the local control school funding formula by increasing the base grant component of the alternative education grant and by revising the calculation of average daily attendance for the alternative education grant. The bill increases annual funding for local education agencies operating juvenile court schools (by \$150,000) or community schools (by \$300,000) juvenile court and schools. AB 906 also establishes a “necessary juvenile court school” allocation for the FY 23/24 fiscal year. **In the Assembly Education Committee, hearing cancelled by the author, two year bill.**

AB 912 (Jones-Sawyer, D. – L.A.). Strategic Anti-Violence Funding Efforts Act. AB 912 creates the following new state-level youth justice grant programs. In May the bill was amended to eliminate appropriations totaling \$235 million for all the programs described in the bill. The bill now requires a specific future appropriation of funds for each of the following new or modified programs:

- **Youth Reinvestment Grant Program.** The Youth Reinvestment Grant program located at the Board of State and Community Corrections (BSCC) 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. As renewed, the grant program is modeled closely on the last round of YRG grants awarded by BSCC in 2019, supporting “trauma-informed health and development” diversion programs, with 90% of funds allocated for nonprofit, nongovernmental organizations that are not law enforcement and 10% set aside for a Native American tribal grant component.
- **School based Health Center Support Program.** AB 912 directs the state Dept. of Public Health to establish a School-based Health Center Support Program in coordination with the state Department of Education. Grants under the program would support technical assistance, and funding for the renovation and expansion of existing school-based health centers and the development of new ones. As amended, the bill sets out extensive requirements for the school-based health center grants including eligibility criteria, health services to be provided, allocation levels, technical assistance, data collection and other program components.
- **CHHS Trauma Intervention Program.** This grant program replaces the “Cognitive Behavioral Intervention for Trauma Pilot Program” found in prior versions of the bill. As amended, the bill would establish a program within the Health and Human Services Agency to provide grants to local education agencies, including charter schools, to implement evidence-based interventions for pupils impacted by trauma. A research grant component is included to track how grant funds

have been spent, with listed outcomes. Priority for grants is to be given to applicants located in the counties of Alameda, Fresno, Kern, Merced, Tulare and Los Angeles.

- **Dept. of Justice Violence Reduction Grant program.** AB 912 directs the state Department of Justice to award competitive grants “*...to support, expand, and replicate evidence-based, focused-deterrence collaborative programs that conduct outreach to targeted gangs and offer supportive services in order to preemptively reduce and eliminate violence and gang involvement*”. Grants made to “cities or other local jurisdictions” must allocate at least 50% of grant funds to community based agencies or to public agencies dedicated to community safety or violence prevention.
- **Dept. of Parks and Recreation grants.** AB 912 directs the Department of Parks and Recreation to administer a program of grants to local governments, CBOs and schools to support sports and education programs to enhance recreation and health based interventions for youth impacted by gangs and violence, with a focus on programs operating during “peak times of violence”.

Passed the Assembly (77-0-3). Passed the Senate Public Safety Committee; set for hearing 7/12 in the Senate Health Committee.

AB 1039 (Rodriguez, D. - Chino). Sex offenses by employees of public health, public detention and state corrections facilities. As amended, AB 1039 amends Penal Code Sec. 289.6 which presently establishes a misdemeanor for a public health or public detention facility officer or employee who engages in sexual activity with a consenting adult who is confined in the facility. PC 289.6 also covers employees in CDCR and CDCR contract facilities who engage in defined sexual acts with inmates, wards or parolees. Covered detention facilities include those confining both adults and minors. The definition of sexual activity is expanded to include touching of the anus, groin or buttocks, and the penalty is increased from a misdemeanor to a wobbler. **In the Assembly Public Safety Committee; hearing 4/18 cancelled by the author, two year bill.**

AB 1118 (Kalra, D. – San Jose). Racial Justice Act appeals. As amended, AB 1118 modifies the Racial Justice Act which prohibits discrimination in juvenile and criminal proceedings and provides remedies for prosecutions, convictions or adjudications involving racial bias or discrimination. AB 1118 authorizes a defendant to raise a claim of racial discrimination in the trial record directly on appeal after conviction or sentencing. It further authorizes the defendant to move to stay the appeal and to request remand to the superior court for the filing of a motion to vacate the sentence based on a discrimination claim. Non fiscal bill. **Passed the Assembly 65-0-15, on the Senate Floor.**

AB 1186 (Bonta, D. – Oakland). Elimination of juvenile justice restitution payments. 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 the Victim Compensation Board, in satisfaction of court-ascertained economic losses. The new victim compensation system is described in an amendment to WIC Section 730.6 stating “*...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 monetary restitution directly from the California Victim Compensation Board*”. AB 1186 makes multiple changes to code sections that presently reference juvenile restitution orders. 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 nonmonetary restitution by participating in a community based restoration 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 restitution 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 replace monetary payments by youth and parents with nonmonetary restitution alternatives and publicly funded payments to victims. 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. Additionally, a minor's parent or guardian is granted the right to attend and participate in court hearings related to restitution. References to restitution payments are removed from the eligibility criteria for informal supervision under WIC Sec. 654. The bill retains current provisions allowing minors to dispute a prior restitution order. This bill is drafted at a high level of detail and those interested are advised to consult the full text of the bill. **Passed the Assembly (57-13-10), in the Senate Appropriations Committee.**

AB 1226 (Haney, D. – San Francisco). State prison placements near home and child. AB 1226 would replace Penal Code Section 5080 with updated provisions on the placements of new prisoners in proximity to their homes and families. The bill 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 age 18, the Department must make separate prisoner placement determinations in relation to each child. The bill also authorizes CDCR to review an inmate request to be transferred to a different institution closer to his/her child and further authorizes inmates to make such requests where the child's resident has changed. **Passed the Assembly (70-0-10) and the Senate (39-0-1), enrolled to the Governor on June 30.**

AB 1506 (Quirk-Silva, D. – Fullerton). Foster care bill of rights, school changes. AB 1506 adds to the foster care bill of rights ((WIC Sec. 16001.9) which presently includes the right of a child to attend school, to remain in the school of origin, to immediate enrollment upon a change of school, to credits for completed coursework, to priority enrollment in listed school programs, and to receive all educational supports and benefits described in the Education Code. AB 1506 adds that the child shall "... be provided with the opportunity to return to the child's school in a trauma-informed manner to collect their belongings when a move or change in placement requires the child to change schools, with that return to be done during school hours to the extent feasible to allow an opportunity to connect with teachers and classmates." **Passed Assembly (79-0-1), passed the Senate (40-0-0), back on the Assembly Floor for concurrence in amendments.**

AB 1547 (McKinnor, D. – L.A.) Childhood sexual assault actions, statute of limitations. 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 age of majority or five years from when the damage was discovered, whichever comes 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 statute of limitations. **Held in the Assembly Appropriations Committee, two year bill.**

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. **Failed passage in the Assembly Public Safety Committee on 4/11.**

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 exceeds \$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. **Passed the Assembly (56-8-16), on the Senate Floor.**

Senate bills

SB 9 (Cortese, D – San Jose). Pilot program for extended dependency jurisdiction to age 22. 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. As introduced, SB 9 extended the court's non-minor dependency jurisdiction to age 22 "...if the nonminor dependent is experiencing homelessness or is at reasonable risk of homelessness if they are not under the jurisdiction of the juvenile court". As amended in May, the bill establishes a three year pilot program to serve youth up to age 22 who meet the homelessness criteria quoted above. The pilot program—subject to a legislative appropriation—would operate in three counties to be selected by the state Department of Social Services (DSS), though no county preferences or selection criteria are included in the bill as now amended. Intent language in the bill cites research conducted by the Chapin Hill School of Social Work in Chicago indicating that outcomes for foster youth are improved during longer periods of court jurisdiction and access to benefits. The bill includes criteria for determining which youth beyond age 21 qualify for under the homelessness criteria for extension of nonminor dependent status to age 22. **Passed the Senate (40-0-0), in the Assembly Appropriations Committee.**

SB 46 (Roth, D. - Riverside). Elimination of mandatory drug education and treatment programs for minors. 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. As now amended, the bill completely deletes all Sec.11373 requirements for minors or their parents to participate in drug education or treatment programs upon adjudication of the minor for possession of a controlled substance. The bill retains changes in drug education and treatment programs mandated for adults with drug possession offenses. **Passed the Senate (40-0-0), in the Assembly Appropriations Committee.**

SB 266 (Newman, D. – Fullerton). Public Safety Collaborative Fund. As amended SB 266 creates a state Public Safety Collaborative Fund and authorizes the Board of State and Community Corrections (BSCC) to make grants from the fund to "...regional public safety collaboratives established for violence prevention, intervention, and suppression activities." Grants are to be used to support a range of violence reduction strategies and may include programs to address youth violence prevention and intervention in K-12 schools; programs promoting successful offender re-entry; and programs to address homeless outreach and intervention. Preference in funding goes to "existing collaboratives" specifically including but not limited to the North Orange County Public Safety Collaborative. **Held in the Senate Appropriations Committee, two year bill.**

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.*” **Passed the Senate (40-0-0), hearing in the Assembly Public Safety Committee on 7/11 cancelled by the author.**

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 solely on the minor’s county of residence.*” **Passed Senate (37-0-3), on the Assembly Floor.**

SB 519 (Atkins, D. – San Diego). Local departments of corrections and rehabilitation. July amendments altered the major thrust of this bill, which was to facilitate local transfers of responsibility for running a local jail from the sheriff to an independent local department of corrections and rehabilitation. As amended the bill establishes an Office of the Local Detention Monitor within the Board of State and Community Corrections (BSCC), tasked with oversight of local detention facilities (i.e., jails), including audits and recommended compliance actions related to in-facility deaths and to the delivery of health and mental health care. Local detention facilities covered by the bill include those that hold both adults and minors but not those holding only minors. The bill also amends the statutory mission statement for the Board of State and Community Corrections in Penal Code Section 6024 to add that BSCC mission includes “*...to promote legal and safe conditions for youth, inmates, and staff in local detention facilities.*” **Passed the Senate (34-0-8), in the Assembly Appropriations Committee.**

SB 545 (Rubio, D. – Baldwin Park). Transfers of minors to adult criminal courts. SB 545 has undergone multiple amendments dealing with the authority of the juvenile court to transfer minors to the jurisdiction of adult criminal court, where there is evidence that the minor has been trafficked, sexually abused or sexually battered by the alleged victim of the transfer offense. As introduced, the bill banned such transfers where the minor was shown by clear and convincing evidence to have been trafficked or abused by the alleged victim. It also required the transfer to be reversed and the person returned to juvenile court where the court found post-transfer that the minor had been trafficked or abused by the victim. May Senate amendments then deleted the full ban, instead adding trafficking or abuse by the victim as an additional factor the court can “give great weight to” when determining the criminal sophistication of the minor as a transfer factor. In June, the Assembly restored the full ban on transfers of youth who are shown by clear and convincing evidence to have been trafficked or sexually battered or abused by the victim; this now appears as a change to the “circumstances and gravity of the offense” factor for transfers at WIC 707 (a) (3) (E). The current version of the bill retains language added in Senate amendments to the effect that the court may give great weight to “*...the minor’s involvement in the child welfare or foster care system, and the status of the minor as a victim of human trafficking, sexual abuse, or sexual battery*” when considering the criminal sophistication factor for transfer decisions. Also remaining in the bill is the requirement to return the case to juvenile court where the adult court finds post-transfer by clear and convincing evidence that the minor has been trafficked or sexually abused by the victim. **Passed the Senate (37-0-3). Pending on the Assembly Floor.**

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.*” **Held in the Sen. Appropriations Committee, two year bill.**

SB 883 (Omnibus Public Safety Bill). Time on juvenile electronic monitoring. Among the many technical provisions covered by this omnibus public safety bill, SB 883 amends WIC Section 628.2 to clarify how frequently the court must hold a review hearing on the length of time a minor must remain on electronic monitoring. Currently subdivision (d) of Sec. 628.2 states that if electronic monitoring is imposed on a minor for longer than 30 days, the court must hold a hearing “every 30 days” to ensure that the time on electronic monitoring is not unreasonable. This bill makes a technical change to require that the EM review hearing is to be held “not less than once every 30 days”. **Passed the Senate (38-0-2). In the Assembly Appropriations Committee.**

Budget Trailer Bills

NOTE: Each year substantive law changes are made through the budget process, via “budget trailer bills”. These trailer bills are processed through budget committees and floor votes, without going through the usual policy and appropriations committee hearings. Most of the realignment law reforms shifting the DJJ caseload to counties have been accomplished through budget trailer bills (e.g., SB 81 in 2007, SB 823 in 2020, SB 92 in 2021). With the final closure of DJJ on July 1st of this year, lawmakers have made some additional 2023 trailer bill changes in youth justice realignment law and procedure. The key changes are noted below. They are effective immediately unless otherwise noted.

AB 102 (Budget trailer bill). Office of Youth & Community Restoration—grants and technical assistance funds for counties; juvenile justice data collection. AB 102 appropriates \$21 million to OYCR. Of this amount, \$10 million is to be used to provide grants and TA to counties and probation departments for the purpose of “transforming the juvenile justice system to improve outcomes for justice involved youth”. Additionally, \$3.5 million is to be applied by OYCR to the collection of local data related to the realignment of DJJ youth to counties. In this regard, OYCR is mandated to collect the following annualized caseload data from county probation departments, covering fiscal years 2021-22, 2022-23 and 2023-24. The designated data must be disaggregated by gender, age and race or ethnicity. As finally adopted, this data collection mandate eliminates any requirement that OYCR must publish or make the data available to the public after it is collected. AB 102 requires the following data is to be reported by county probation departments to OYCR:

- The number of youth and their commitment offense or offenses, “if known”, who are under the county’s supervision that are committed to a secure youth treatment facility, including youth committed to secure youth treatment facilities in another county.
- The number of individual youth in the county who were adjudicated for an offense under subdivision (b) of Section 707 of the Welfare and Institutions Code or Section 290.008 of the Penal Code.
- The number of youth, including their commitment offense or offenses, “if known”, transferred from a secure youth treatment facility to a “less restrictive placement”.
- Number of youth for whom a hearing to transfer jurisdiction to an adult criminal court was held, and number of youth whose jurisdiction was transferred to adult criminal court.

Status: Signed into law by the Governor on July 10th, Stats. of 2023, Chapter 38.

AB 134 (Public Safety trailer bill). Resentencing of DJJ youth returned to counties; review hearings for SYTF youth and youth in less restrictive programs; place of confinement for persons over 25 and for youth previously sentenced as adults; sight and sound separation of juveniles and adults in juvenile justice facilities; BSCC inspections and suitability of juvenile justice facilities; relief from costs for misdemeanor record sealing.

- ***Resentencing of DJJ youth to SYTFs.*** WIC Sec. 875 (b) (baseline terms) is amended to ensure that youth who are returned from DJJ to continuing custody in a local Secure Youth Treatment Facility (SYTF) are assigned to an SYTF baseline time that does not exceed their projected juvenile board parole date under the old DJJ guidelines. Additionally, the bill requires that youth be given credit for program completion time in DJJ against any new baseline term that is assigned under the Judicial Council sentencing guidelines that took effect on July 1, 2023.
- ***Review hearings for youth in SYTFs and in less restrictive programs (LRPs).***
 - WIC Section 875 (e) (review hearings) is amended to add an explicit ban on plea bargain agreements and stipulations that would limit the court’s otherwise available options in SYTF review hearings. The key language added to subdivision (e) is that “*The determination of whether the baseline term will be modified, or whether a youth will be assigned to a less restrictive program, is a judicial decision and the juvenile court’s discretion may not be limited by stipulation of the parties at any time.*”
 - WIC Section 875 (e) is also amended to require the court to hold six month review hearings for youth who have been transferred from an SYTF to a less restrictive program (LRP). The amendment sets out the options the court can order in review hearings for LRP youth. In these cases, the court can order a reduction in the term it previously set for the ward to spend in the LRP. If the court seeks to extend the time the ward must serve in the LRP or to return the ward to secure SYTF custody, it must apply the criteria for “material failure to comply” with the program as stated in subdivision (f) of Sec. 875.
- ***Place of confinement for persons over 25 and for youth previously sentenced as adults.*** AB 134 adds a new subdivision (j) to WIC Sec. 875, providing that a person over age 25 who is under continuing juvenile justice jurisdiction shall not be committed to or detained in a county juvenile facility unless the court finds that such commitment or detention is in the best interest of the person and that it does not create a risk to other youth in the juvenile facility. In lieu of commitment to a juvenile facility under these terms, the court is authorized to commit or detain the person in an adult jail or in a less restrictive program (as defined subdivision (f)) if the person is otherwise eligible for the LRP. Additionally, AB 134 adds a new subdivision (k) to Sec. 875, barring commitment to or detention in a county juvenile facility of a person who is returned to the county from DJJ after having been sentenced to state prison (this would apply where juvenile jurisdiction has been restored due to recent transfer law reforms). Per this amendment, these prison-to-DJJ youth coming back to the county upon DJJ closure can be housed in the county juvenile facility only if the court finds that it is in the person’s best interest and that it would not create a risk to other youth in the facility. If they are not ordered into a juvenile facility, these prison-to-DJJ-to-county youth may be committed to or detained in an adult jail, may be placed in a less restrictive program (LRP) for which they are otherwise eligible or may upon their consent be returned to the custody of CDCR. The LRP placement provisions in these amendments to Sec. 875 will require some interpretation as to how a person who cannot be placed in a local SYTF can attain eligibility for placement in an LRP.
- ***Sight and sound separation of youth in county juvenile facilities.*** A new section 208.55 is added to the Welfare and Institutions Code, clarifying the circumstances under which adults must be separated from juveniles in local juvenile justice facilities, including SYTFs. Under the new section, “juveniles” are defined to include persons under 18 years of age, persons under

the maximum age of juvenile court jurisdiction and persons whose case originated in the juvenile court and are subject to the terms of Section 208.5 (covering the ages at which youth over age 18 can be retained in a juvenile facility). Juveniles as defined by the new section can be housed with sight or sound contact with other juveniles in a “juvenile facility” which is defined to include juvenile halls, camps and ranches, SYTFs and other juvenile facilities covered by federal JJDPAs regulations. Sight and sound contact with adults is prohibited in a facility that houses juveniles (as now defined) and incarcerated adults. “Sight and sound contact” is newly defined in Sec. 208.55 as “any physical, clear visual or direct verbal contact that is not brief or inadvertent”.

- ***BSCC inspections and suitability of local juvenile justice facilities.*** WIC Section 209 covers inspections, compliance and closure of juvenile facilities that are subject to the minimum standards adopted by the Board of State and Community Corrections (BSCC). AB 134 amends Section 209 to add Secure Youth Treatment Facilities to the other juvenile facilities that are subject to inspections by the local juvenile court and by BSCC. Subdivision (e) of Sec. 209— covering failures to comply with the standards and suitability determinations—is amended to include SYTFs. The definitions of “juvenile” and “adult” that were added by the new Section 208.55 are now replicated in a new subdivision (h) of Section 209.
- ***Elimination of costs for misdemeanor record sealing.*** AB 134 amends Penal Code Sec. 1203.45 by deleting court and city costs that could be imposed on persons seeking to have a record sealed for a misdemeanor committed while under the age of 18.

Status: Signed into law by the Governor on July 10th, Stats. of 2023, Chapter 47.

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