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JUVENILE JUSTICE BILLS
in the 2023 Session of the California Legislature

November 3, 2023

***END OF SESSION WRAP UP: 2023 JUVENILE JUSTICE BILLS
SIGNED AND VETOED BY THE GOVERNOR***

This is our end-of-session report on 2023 bills signed into law or vetoed by the Governor. This edition covers bills that we tracked in 2023 on the topics of juvenile justice, youth crime prevention, probation foster care and related youth program issues. The Governor had until October 14th to sign or veto bills passed in the 2023 session which ended on September 14th. Bills signed into law by the Governor are effective January 1, 2024, unless a different effective date is specified in the legislation. However, budget trailer bills enacted mid-session became effective on the date they were signed by the Governor. In a separate section, we cover three budget trailer bills having important juvenile justice provisions that are already in effect. This report does not include tracked bills that are still pending in the current two year session—i.e., “two-year bills” that remain may be acted upon again next year. 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.

Final edition. We’d like to add that this is the last juvenile justice California legislation report that will be produced through our Commonweal Juvenile Justice Program. Our Juvenile Justice Program Director, David Steinhart, plans to retire at the end of 2023. David has been the primary analyst and author of these reports which have been furnished to the field now for more than 30 years running. We trust that the information we have been able to provide in this way over the years has been helpful to practitioners and advocates alike.

Assembly bills

AB 58 (Kalra, D. – San Jose). Transition age youth pilot program. AB 58 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 both Napa and Ventura counties as pilot program participants. AB 58 also transfers responsibility for conducting program evaluations from BSCC to each participating county. County evaluations are to be completed by 12/31/24 and submitted to the Assembly and Senate Public Safety Committees. ***Signed into law, Stats. of 2023, Chapter 418.***

AB 268 (Weber, D. – San Diego). Board of State and Community Corrections (BSCC); jail mental health standards. AB 268 adds two new members to the 13 member BSCC Board. The bill adds a licensed health care provider and a licensed mental or behavioral health care provider, to be appointed by the Governor and confirmed by the Senate. Prior versions added the Secretary of Health and Human Services to the Board, but that was deleted from the final version of the bill. The author’s goal is to augment the Board’s expertise in addressing the health and mental health needs of the local jail population. AB 268 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. The mental health standards provisions of the bill would apply to adult jails but not to juvenile justice facilities. **Signed into law, Stats. of 2023, Chapter 298.**

AB 505 (Ting, D – San Francisco). Oversight of county juvenile justice facilities; Office of Youth & Community Restoration; OYCR Ombudsperson. This bill has undergone substantial changes. The March 2023 version was an expansive reform measure sponsored by an array of youth justice advocacy and service organizations. That earlier version moved all juvenile justice operations of the Board of State and Community Corrections (BSCC) to the HHS Office of Youth and Community Restoration (OYCR) as of July 1, 2025— including local juvenile facility standards and inspections, juvenile justice grants and juvenile justice data collection. The March version of the bill also expanded the powers of the OYCR Ombudsperson, and it altered the local process for developing Juvenile Justice Realignment Block Grant (JJRBG) plans. In September—and largely in response to probation opposition—the bill was curtailed and amended into a more modest set of statutory changes affecting county facility inspections, the OYCR Ombudsperson office and the local JJRBG planning process. As signed into law, AB 505 does the following:

- **County juvenile facility inspections and standards enforcement.** AB 505 amends WIC Section 209 by adding more county facilities to the roster of facilities that must be inspected by local judges and by the Board of State and Community Corrections (BSCC). Under current law, local judges are required to conduct annual inspections of county juvenile halls and adult jails holding children. Under AB 505, judges must now, in addition, annually inspect local probation camps and ranches and county “Secure Youth Treatment Facilities” (SYTF’s). SYTFs were created by 2021 legislation as secure local facilities for qualifying youth with WIC 707 (b) (serious offense) adjudications—youth who can no longer be committed to the now-closed state Division of Juvenile Justice. Camps/ranches and SYTFs are also added to the WIC Sec. 209 list of facilities that must be inspected biannually by BSCC. In BSCC’s case, the additional workload is mitigated by the fact that BSCC already conducts biannual inspections of camps and ranches under the authority of WIC Sec. 885. Importantly, AB 505 also extends the standards enforcement process of Section 209 (already applicable to jails holding juveniles and juvenile halls) to cover probation camps and ranches and SYTFs. This means that if either a judge or BSCC finds that any facility covered by Section 209—now including probation camps and SYTFs—is out of compliance with state minimum facility standards, the finding will trigger notice of noncompliance to county personnel and potentially further proceedings to determine whether the facility remains “suitable” for the confinement of minors. AB 505 also adds a new subdivision (h) to Section 209, containing updated definitions of who is a juvenile or an adult for purposes of continuing court jurisdiction and eligibility for confinement in local juvenile facilities.
- **Access to case files.** AB 505 amends WIC Section 827 to permit personnel from the Office of Youth and Community Restoration to access juvenile case files as necessary to carry out the duties of the Office pursuant to WIC Sections 2200, 2200.2 and 2200.5.
- **Juvenile Justice Realignment Block Grants(JJRBG) —county plans.** Under current law, counties receive a statewide total of approximately \$200 million annually to cover the cost of managing the caseload of youth realigned from the state Division of Juvenile Justice to county

control. These JJRBG grant funds are allocated locally in accordance with a county plan that must be submitted annually to the Office of Youth and Community Restoration (OYCR). AB 505 makes several changes in the JJRBG plan development and review process, including:

- *Role of local supervisors.* WIC Sec. 1991 is amended to require that the local Board of Supervisors in making allocations of JJRBG grant funds shall “be guided by” the local JJRBG plan, rather than the phrasing of current law that the Board shall “consider” the plan in making those allocations.
- *Plan development.* WIC Section 1995 describes the plan elements that must be included as well as the local JJRBG subcommittee process for producing the plan. The plan contents required by subdivision (f) of Sec. 1995 remain unchanged except for the addition of a new paragraph (8) stating that the plan must include “a description of the progress made regarding any elements described in this subdivision and any objectives and outcomes set forth in the plan submitted to OYCR in the previous calendar year.” The chair of the local subcommittee that devises the plan is no longer automatically the chief probation officer; instead, AB 505 states that the probation chief is to be either the chair or co-chair of the subcommittee, and that the subcommittee has discretion to select a co-chair using its own selection process. AB 505 now also requires that the plan must be developed with the input of community members of the local subcommittee and must be approved by a majority of subcommittee members. Under current law the subcommittee has to meet only once every three years and could submit its “most recent plan” during interim years; under AB 505 the subcommittee must convene to review the plan at least twice per year and must update the plan annually for submission to OYCR.
- *OYCR plan review.* Under current law OYCR is not required to approve a county plan and may only return the plan to the county for review if it does not contain all required elements. AB 505 will now task OYCR with a somewhat higher standard of review, by stating that OYCR shall ensure that “the planning process complied with (Section 1995) and contains all of the required elements”, and by adding that OYCR may “return the plan to the county for revision as necessary or to complete the required planning process prior to final acceptance of the plan,” This review authority is further modified by a qualification that any review actions of OYCR “shall have no delay or withholding effect” on the allocation of JJRBG funds to counties.
- **OYCR-- duties and responsibilities of the Office.** WIC Section 2200 establishes the Office within the Health and Human Services Agency and sets out its duties and responsibilities in subdivision (c) . The expansion of these duties and responsibilities found in prior versions of the bill (transferring all BSCC juvenile justice functions to OYCR) was stripped from the bill; in the final version of AB 505, subdivision (c) is restored to its current language without changes. At the same time, new subdivisions (j) and (k) are added to Sec. 2200, authorizing OYCR to establish grantmaking programs using various funds “by means of information notices or other similar instructions, without taking further regulatory action”, and authorizing OYCR to enter into “exclusive or nonexclusive contracts” in furtherance of its statutory mission and with exemptions from listed inter-agency approvals.
- **OYCR-- Ombudsperson duties and authority.** Under current law, the OYCR Office of the Ombudsperson is authorized to inspect juvenile facilities, interview youth, investigate complaints of confined youth and provide training and TA on youth rights and on Ombudsperson services. AB 505 makes several changes to the statutory tasks and activities to be undertaken by the Ombudsperson including the following:
 - Under AB 505, Ombudsperson staff are now authorized to access local facility records at any time (no longer requiring 48 hours advance notice). In addition, Ombudsperson staff may access, visit and observe county juvenile facilities “at any time and without prior notice”—again dispensing with the 48 hour advance notice requirement. Similarly, under AB 505 the Ombudsperson can meet and communicate privately with youth and local agency personnel, including probation officers, without having to give 48 hours advance notice.

- A new paragraph (9) to WIC Sec. 2200 (d) requires the Ombudsperson to conduct a site visit to every juvenile facility “within the control of a county or local agency, or a contractor with a county or local agency, no less frequently than at least once per year. “
- WIC Sec. 2200.2 (Investigations and complaints) is modified by adding a new subdivision (e) stating that “The Ombudsperson may recommend changes to improve services or to correct systemic issues”.
- WIC Sec. 2200.5 currently requires the Ombudsperson to provide regular reports and data to the Legislature on complaints it receives and its related investigations. This section is amended by AB 505 to add, to the mandated reports, that “the ombudsperson shall include recommendations consistent with this data for improving the juvenile justice system”.
- **Juvenile Justice Grants- transfer to OYCR.** The mandate of current law transferring all juvenile justice grants awarded by the Board of State and Community Corrections to OYCR as of 7/1/25 remains in effect, along with the requirement that BSCC must have the concurrence of OYCR in any grants made prior to that transfer date.
- **Conforming legislation—SB 152.** The AB 505 changes to WIC Sections 2200, 2200.2 and 2200.5 (OYCR, Ombudsperson) are replicated in SB 152, the budget trailer bill that was signed into law on September 13th (day before session adjournment). This means that the OYCR related changes in SB 152, as replicated by the later-signed AB 505, became effective in September upon the Governor’s signature of SB 152. Multiple conforming versions of Sec. 2200 appear in AB 505, and it is the version in Sec. 6.5 of AB 505, as linked to SB 152, that went into and remains in effect.

Signed into law, Stats. of 2023, Chapter 528. *This is a detailed and complex bill, and the reader is advised to consult the text of the bill as enacted for further details.*

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 resentencing. 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. September amendments added that the recall and resentencing process may be initiated by the original sentencing judge, a judge designated by the presiding judge or any judge with jurisdiction in the case. The bill does not apply to juvenile courts but could impact the resentencing process as applied to juveniles convicted in adult criminal court. **Signed into law, Stats. of 2023, Chapter 446.**

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 Board of State and Community Corrections (BSCC). 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 BSCC 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.

VETOED BY THE GOVERNOR. *In his veto message Gov. Newsom said that due to a \$30 billion budget deficit this year, and facing \$19 billion in appropriations sought by bills sent to him outside the budget process, he could not justify the additional funds sought through the 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 tribal and 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”.

VETOED BY THE GOVERNOR. *As with his veto of AB 695, in vetoing AB 912 the Governor said that due to a \$30 billion budget deficit this year, and facing \$19 billion in appropriations sought by bills sent to him outside the budget process, he could not justify the additional funds sought through the 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. **Signed into law, Stats. of 2023, Chapter 464.**

AB 1226 (Haney, D. – San Francisco). State prison placements near home and child. AB 1226 replaces 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. **Signed into law, Stats. of 2023, Chapter 98.**

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.”

VETOED BY THE GOVERNOR. *In his veto message, the Governor states: “While I appreciate the author’s intent to support foster youth who change schools midyear, AB 1506 creates a new right without setting forth the policies needed to effectuate it. Specifically, this bill does not identify who will be responsible for implementing this new right or set a manner to hold them accountable for failing to meet the requirement.”*

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. **Signed into law, Stats. of 2023, Chapter 850.**

Senate bills

SB 46 (Roth, D. - Riverside). Elimination of mandatory drug education and treatment programs for minors. Health & Safety Code Sec. 11373 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 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. These changes to H&S Sec. 11373 supersede alternative changes to the same code section that were proposed by AB 890 and which were not enacted via AB 890, due to the conforming language provisions of both bills. **Signed into law, Stats. of 2023, Chapter 481.**

SB 448 (Becker, D. – Menlo Park). Juvenile detention criteria. SB 448 amends the statutory 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". A September amendment adds that regardless of the minor's county of residence, the minor shall be given equal consideration for release on home supervision, applying the court's authority under WIC Section 628.1, and which may include electronic monitoring. **Signed into law, Stats. of 2023, Chapter 608.**

SB 519 (Atkins, D. – San Diego). Board of State and Community Corrections—mission statement and new Director of In-Custody Death Review. SB 519 amends the statutory mission statement for BSCC (at Penal Code Sec. 6024 b) by adding that the Board shall "promote legal and safe conditions for youth, inmates and staff in local detention facilities". SB 519 also creates the new position of Director of In-Custody Death Review within BSCC. The Director is to be appointed by the Governor for a six year term with Senate confirmation. The Director is tasked with review of any death occurring in any local detention facility (i.e., jail). Upon such review, the Director may trigger a set of recommendations to be acted upon by the sheriff or other jail administrator. The recommendations may include changes to policies and practices, facility and staff upgrades, changes in the delivery of health and mental health services and other suggested changes. Sheriffs and facility administrators must respond to any such recommendations within a time frame and format described in the bill. BSCC is additionally tasked with hiring a sufficient number of licensed medical and behavioral health professionals to support the death reviews made by the new director. **Signed into law, Stats. of 2023, Chapter 306.**

SB 545 (Rubio, D. – Baldwin Park). Transfers of minors to adult criminal courts. SB 545 makes significant changes to the criteria which the criminal court must consider in a hearing to determine whether a minor is to be transferred to the jurisdiction of the criminal court. WIC Section 707 lists five primary criteria which the court must consider in its assessment of whether jurisdiction should be transferred, including:

- The degree of criminal sophistication exhibited by the minor,
- Whether the minor can be rehabilitated prior to the termination of juvenile jurisdiction,
- The minor's previous delinquent history,
- The success of previous attempts to rehabilitate the minor, and
- The circumstances and gravity of the offense

For each of the five primary criteria listed above, current law states that the court "may give weight" to any relevant factor including specific sub-factors that are listed under each of the five primary criteria. SB 545 states that going forward the court "shall" give weight to any relevant factor including the subfactors listed under each of the five prime transfer criteria. For example, under the criterion for "degree of criminal sophistication", subparagraph (ii) lists "the minor's age, maturity, intellectual capacity and physical, mental and emotional health at the time of the offense" as subfactors to which the court now "shall" rather than "may" give weight. In essence SB 545 makes it mandatory for the court to conduct a more thorough and balanced review of all transfer factors—including the subfactors that are listed under each of the five primary transfer criteria. In addition, SB 545 also changes the process for returns of juveniles from criminal to juvenile court for disposition where the victim of the adult court offense is implicated in having trafficked or abused the juvenile. In this regard, SB 545 amends WIC Section 707.5 to authorize the criminal

court to return the case to juvenile court for disposition if the court receives evidence that the alleged victim has trafficked, sexually abused or sexually battered the minor prior to or during the commission of the offense, unless the court finds otherwise by clear and convincing evidence.

Signed into law, Stats. of 2023, Chapter 716.

SB 883 (Omnibus Public Safety Bill). Time on juvenile electronic monitoring. Among the many technical provisions covered by this omnibus 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”. **Signed into law, Stats. of 2023, Chapter 311.**

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 7/1/23, lawmakers made some additional 2023 trailer bill changes in juvenile justice realignment law and procedure. The key changes are summarized below. They became effective upon signature by the Governor 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. OYCR is mandated to collect annualized caseload data from county probation departments, covering FY 2021-22, FY 2022-23 and FY 2023-24. The designated data must be disaggregated by gender, age and race or ethnicity. There is no requirement that OYCR must publish or make the data available to the public after it is collected. AB 102 requires county probation departments to report the following annualized data 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 WIC Sec. 707 (b) or Penal Code Sec. 290.008.
- 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.

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

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 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 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 (“LRP”, 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 with 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 become eligible 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 JJDPa 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.

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

SB 152 (Budget trailer bill), HHS Office of Youth & Community Restoration (OYCR). SB 152 is a budget trailer bill that was signed into law in September. Among its other provisions, SB 152 replicates statutory changes made by AB 505 (Ting) with respect to the duties and responsibilities of OYCR including the functions of the OYCR Office of the Ombudsperson. Replicating these OYCR provisions in SB 152 served to ensure that the OYCR-related provisions found in AB 505 would become law regardless of the outcome of AB 505 and its broader content. SB 152 amends WIC Sections 2200, 2200.2 and 2200.5 with provisions that are identical to the corresponding section amendments in AB 505. Rather than repeat those detailed amendments here, the reader is referred to the summary of AB 505 above, as signed into law, and specifically to the description of the AB 505 amendments to WIC Section 2200, 2200.2 and 2200.5, affecting OYCR and the Ombudsperson office. The OYCR statutory changes shared by AB 505 and SB 152 are duplicates of one another. ***Signed into law by the Governor on September 13th, Stats. of 2023, Chapter 198.***

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