

May 12, 2009



**TO: TCE Juvenile Justice/ Mental Health Policy Group**

**FROM: David Steinhart**

**RE: JUVENILE JUSTICE AND YOUTH PROGRAM BILLS IN THE 2009 SESSION OF THE CALIFORNIA LEGISLATURE – Updated to May 1st**

---

This bulletin provides digests of bills introduced in the 2009 (first year) session of the California Legislature on the topics of juvenile justice, youth corrections, youth crime prevention, juvenile justice/mental health and probation foster care. Status reports are current to May 1, 2009. Fiscal bills that failed to pass policy committee in the house of origin by May 1 are now two-year bills as noted.

## **ASSEMBLY BILLS**

**AB 12 (Beall, D. – San Jose and Bass, D. – L.A.). Extended foster care benefits to age 21.** Conforms California law to gain access to funds under the federal Fostering Connections to Success and Increasing Adoptions Act of 2008, which provides extended foster care benefits to qualified youth beyond the age of 18. Creates a new Juvenile Court jurisdictional category in California “nonminor dependents” who remain eligible to receive listed benefits until age 21. Benefits for which nonminor dependents may qualify include AFDC-FC, CalWorks, Kin-GAP. Non-minor dependents are defined as children in foster care who attain the age of 18, are under child welfare or probation supervision and have a transitional independent living case plan as defined in federal law. Pending amendments will address specific issues pertaining to probation youth such as whether a 601 or 602 youth who has left foster care is eligible for benefits past age 18, and whether a probation youth receiving benefits after age 18 can be violated back into secure custody. *In the Assembly Appropriations Committee.*

**AB 61 (Nava, D.-- Santa Barbara). Deferred entry of judgment exclusion for juvenile sex offenders.** Excludes, from eligibility for the Deferred Entry of Judgment program under the Juvenile Court law, minors charged with listed sex offenses. A reintroduction of the bill that failed last year in the Senate. *In the Assembly Appropriations Committee.*

**AB 114 (Carter, D- Rialto). Balanced and restorative justice programs.** Reintroduction of the “BARJ” bill vetoed last year by the Governor, in substantially the same form as the vetoed version. Permits a county to adopt a restorative justice program to address the needs of minors, victims and the community. The programs would be implemented via a local restorative justice protocol involving the Juvenile Court, public defender, prosecution, law enforcement, service providers and clinicians. Permits referrals to a restorative justice program for minors on WIC 654.2 informal court supervision, minors with non-wardship probation under WIC 725, minors on deferred entry of judgment under WIC 790 and as a delinquency disposition option for the court under WIC 727. *To Assembly Floor.*

**AB 131 (Evans, D. – Santa Rosa). Parental liability for juvenile court legal costs.** Restates the liability of a parent or guardian for costs of attorneys in juvenile court proceedings, to include attorney costs incurred by the court. Requires the Judicial Council to establish a cost recovery program to collect reimbursements of attorney costs from parents or guardians based on their ability to pay. Excludes recovery of attorney costs from parents who are under court-ordered reunification plans, where the collection of costs would harm reunification efforts. *To Assembly Appropriations Committee.*

**AB 337 (Torres, D.- Ontario ). Sealing of juvenile delinquency records.** Amends the record sealing provisions in the Welfare and Institutions Code (WIC 781) to require the Juvenile Court to provide written notice of sealing rights to all persons over 18 who may be eligible for sealing of law enforcement, probation and court records. *To Assembly Appropriations Committee.*

**AB 382 (Ammiano, D.- San Francisco). CDCR classification criteria and sexual orientation.** Adds sexual orientation and gender identity to the list of considerations that CDCR must take into account when determining inmate or ward classification or housing. *To the Assembly Floor.*

**AB 422 (Torres, D.- Ontario). State Youth and Family Master Plan.** Requires the Secretary of Health and Human Services to develop a state Youth and Family Master Plan to include: guiding principles for developing youth/family policies, identification of all government agencies serving youth and families, means to assess the effectiveness of state youth/family policies, and additional information related to state and local state/local responsibilities. Requires meetings and input from 14 listed agencies and annual reports to the Legislature. *To the Assembly Appropriations Committee.*

**AB 455 (Huffman, D. – San Rafael). ~~Youth violence reduction policy and funding.~~ California Conservation Corps participation requirements.** Altered by amendment on 4/13, from a comprehensive plan to fund gang crime prevention programs to a bill which requires that a minimum of 5 percent of youth selected to participate in the California Conservation Corps represent young adults at risk of gang involvement or current or former gang members. *In the Assembly Public Safety Committee (two year bill).*

**AB 505 (Furutani, D. – Long Beach). ~~Electronic monitoring.~~ Sex Offender Management Board.** Gutted and amended from a bill on electronic monitoring into a bill extending the life of the Sex Offender Management Board with related provisions affecting adult sex offenders. *To be removed from this tracking list.*

**AB 576 (Torres, D.- Ontario). Vandalism penalties.** As amended, adds government entities to the list of victims to whom restitution for vandalism and graffiti offenses must be made by juveniles adjudicated for these offenses. *Passed Assembly, to Senate for committee assignment.*

**AB 587 (Cook, R. - Yucaipa). Vandalism penalties, gangs.** Amends Proposition 21 gang provisions by increasing penalties for vandalism committed for the purpose of furthering criminal gang activity, upping the penalty to imprisonment for up to a year and/or a fine of up to \$ 10,000. Authorizes the court in such cases to impose participation in a prevention program such as graffiti abatement as a condition of probation. *In the Assembly Public Safety Committee (two year bill).*

**AB 787 (Hill, D- San Mateo). ~~Juvenile Justice realignment.~~** Gutted and amended. No longer a juvenile justice bill. *To be removed from this tracking list.*

**AB 845 (Bass, D.- L.A.). Reentry Advisory Committee.** Under current law, a Reentry Advisory Committee advises the Secretary of CDCR on all aspects of the Department's reentry programs. AB 845 would additionally require the Reentry Advisory Committee to: a) apply for federal funds under the Second Chance and Community Safety/Recidivism Prevention Acts, b) develop a five year comprehensive re-entry plan to reduce recidivism by 50% for offenders released from jails, prisons or juvenile facilities, c) examine ways to pool reentry funds, and d) provide annual reports on its activities to the Legislature and the U.S. Attorney General. *In the Assembly Appropriations Com.*

**AB 891 (B. Berryhill, R.- Ceres). Gang Nuisance and Abatement Act.** Creates a civil cause of action against the owner of a property used by a criminal street gang as a congregating point. Authorizes the city or district attorney to bring an abatement action against the property owner and authorizes related fines and forfeitures. *In the Assembly Public Safety Committee .*

**AB 921 (Jones, D. – Sacramento). Post-jurisdiction benefits for former foster youth.** As amended, requires a minor who has been in foster care, and whose dependency status or wardship is being terminated due to age, to be provided with a written notice (by the social worker or probation officer) confirming that the person is a former foster child and identifying all benefits under federal and state programs that may be available to the individual upon termination of court jurisdiction. *In the Assembly Appropriations Committee.*

**AB 970 (Block, D. – Lemon Grove). ~~Youth Improvement District.~~** Gutted and amended. Not a juvenile justice bill. *To be removed from this tracking list.*

**AB 997 (Krekorian, D. – Burbank). Identifying sex offenders in community care facilities.** Requires the Departments of Justice, Social Services and Alcohol/Drug to develop a coordinated approach to generate information as needed to identify all sex offenders living in licensed residential, child care or foster care facilities. *In the Assembly Public Safety Committee (two year bill).*

**AB 999 (Skinner, D. – Oakland). Time adds and credits for Division of Juvenile Facilities wards.** Establishes a new time-credit system for wards in the state Division of Juvenile Justice, by requiring month-for-month credit toward the release date of the ward for each month of satisfactory performance in a program designated as a credit-qualifying program by the Chief Deputy Secretary for Juvenile Justice. Also, prohibits DJF from adding custody time for disciplinary infractions occurring within a DJF institution. *In the Assembly Appropriations Committee.*

**AB 1053 (Solorio, D. – Santa Ana). Time of placement on parole for Division of Juvenile Facilities wards.** Requires a ward confined in a DJF facility to be placed on supervised parole prior to “maxing out” of confinement time under the WIC discharge date provisions. Specifically, requires that the ward be placed on supervised parole 90 to 120 days prior to the ward’s date of discharge from DJF control (generally: age 25 or a two year period of control, whichever is longer). Amendments offered by the author in the Assembly Public Safety Committee will apply the bill’s advance release provisions to the court-set max out date under WIC Sec. 731 (c) as well. *In the Assembly Appropriations Committee.*

**AB 1211 (Torrico, D. – Fremont). Criminal gang recruiting.** Creates a new misdemeanor for any person who omits the performance of any duty and thereby causes any person under the age of 18 to become an active participant in a criminal street gang as defined in PC Sec. 186.22. *In the Assembly Public Safety Committee (two year bill).*

**AB 1417 (Smyth, R. - Santa Clarita). Vandalism.** Increases criminal penalties for vandalism committed on or within 100 feet of a highway or freeway, including damage to highway signs and signals. *In the Assembly Public Safety Committee (two year bill).*

**AB 1439 (Solorio, D.- Santa Ana). Gang violence prevention.** Requires the director of the state Office of Gang and Youth Violence Policy to consolidate and streamline existing state agency gang and youth violence grant programs with a goal of giving priority to grant programs that employ evidence-based practices. Authorizes the creation of a working group by the director to assist in this effort. *In the Assembly Appropriations Committee.*

**AB 1498 (DeLeon, D. - L.A. ). ~~Gang violence suppression programs in schools.~~ New firearm offenses.** Expands the crime of possessing or acquiring a firearm within 10 years of conviction on a listed misdemeanor, by adding more offenses (burglary, weapons and criminal street gang offenses) to the misdemeanor list on which the gun ban is based. *In Assembly Public Safety Committee (two year bill).*

## SENATE BILLS

**SB 118 (Liu, D.- Glendale). *Child welfare services for incarcerated parents.*** Adds, to the statutory goals of child welfare and family reunification services, the goal of ensuring that incarcerated parents (in jails or prison) receive court-ordered services for reunification with their children. Requires child welfare case plans to include (to the extent possible) information about incarcerated parents and requires information on incarcerated parents to be added to the CWS-CMS information case management system. *In the Senate Appropriations Committee.*

**SB 134 (Liu, D.- Glendale and Yee, D.- S.F.). *Communication rights of ward-parents in state and local juvenile justice facilities.*** Clarifies the right of a juvenile detained in a local detention facility to make phone calls to his or her child and to other individuals having care or service responsibilities for the child. For wards confined in the state Division of Juvenile Facilities, adds to the list of code-specified rights the right to maintain frequent contact with the ward's child, with the child's other parent and with related caregivers and service providers. Also, specifies that the DJF ward may communicate over the phone (with a minimum of four calls per month) and in writing to his/her child, other parent or caregiver in order to improve the parent-child relationship and to prevent detrimental impact on the children of incarcerated wards. *In the Senate Public Safety Committee (two year bill).*

**SB 142 (Maldonado, R. - Santa Maria ). ~~Community care facility goals and guidelines.~~ IHSS hours.** Gutted and amended into a bill affecting the calculation of service hours for In Home Support Services (IHSS). *To be removed from this tracking report.*

**SB 179 (Runner, R. – Lancaster). *Juvenile Court referee orders and review.*** Alters Welfare and Institution Code procedures for review of orders made by Juvenile Court referees. Allows in-court notice of review rights if the minor or parent are in court when the order is made. Adjusts written notice requirements to minors or parents not in court at the time of the referee's order. The previous provision making referee orders final at 180 days has been amended out of the bill. *Passed Senate, to the Assembly for committee assignment.*

**SB 282 (Wright, D.- Inglewood). *Criminal street gang injunctions.*** Extends the maximum duration of criminal street gang injunctions to five years (instead of three years) and provides that, upon expiration, the injunction may be renewed upon application of the Attorney General or a district or city attorney on terms specified in the bill. *To the Senate Floor.*

**SB 352 (Dutton, R. – Inland Empire). *Probation placements in out-of-county group homes.*** Adds new requirements affecting placements of delinquent youth in out-of-county group homes including: a) the placing county must notify the receiving county in writing of any gang affiliation or dangerous behavior by the ward; b) requires group homes, upon the request of the receiving county probation department, to supply specified incident reports to the host probation department, and c) adds to the types of incidents that must be reported by group home to the state licensing agency. *Passed the Senate Human Service Committee and Senate Public Safety Committee, to the Senate Floor.*

**SB 399 (Yee, D.- San Francisco). *Juvenile life terms.*** Reintroduces previously stalled LWOP (Life Without Parole) reform bills in a new framework that would allow for periodic review of life prison sentences ordered for persons who were under 18 at the time of the offense. At the tenth year of incarceration, the CDCR Secretary or Board of Parole Hearings must review each juvenile life case and refer the case to the committing court for rehearing if the defendant meets three of eight listed exculpatory criteria (for example, defendant has mental incapacities, had no felony person priors, had one or more adult co-defendants, has an exemplary record in confinement). Upon referral by CDCR,

the court may recall the prior sentence and re-sentence the defendant to a lesser term. If the original sentence is not recalled, the juvenile lifer goes back to prison but gets repeat reviews at years 15, 20 and 24. Applies retroactively to presently incarcerated persons. *In Senate Appropriations Committee.*

**SB 441 (Ducheny, D. – San Diego). Corrections Standards Authority.** As amended, moves the Corrections Standards Authority (CSA) out of the Department of Corrections and Rehabilitation. Adjusts the statutory mission of CSA to emphasize its role in identifying best-practices in crime prevention. Requires CSA to study and report to the Legislature (by July 1, 2010) its recommendations on improving coordination and effectiveness between state parole and local law enforcement. Requires CSA, in consultation with LAO, to produce a report on how to reduce the number of individuals sentenced to concurrent parole and probation, with evaluation of the effects of concurrent parole/probation sentencing on state and local government. As amended, eliminates prior provisions establishing a new state Department of Community Corrections to take over all county probation services. *In the Senate Appropriations Committee.*

**SB 492 (Maldonado, R. – Santa Maria). School loitering and gang penalties.** Adds new criminal penalties for loitering about a school or public place for persons subject to the gang registration requirements of current law (Proposition 21). *To the Senate Floor.*

**SB 516 (DeSaulnier, D.- Walnut Creek). California Youth Legislature.** Establishes a California Youth Legislature to develop recommendations for the Legislature and the Governor on a range of issues affecting California youth. The Youth Legislature would have a Senate and an Assembly. Its members must be 14-18 years of age and be enrolled in school or meet other education requirements. Members would have two year terms and would be appointed, one for one, by currently elected Senate and Assembly members. It would be funded by taxpayer contributions to a new California Fund for Youth to be included as an option on state income tax forms. *In the Senate Appropriations Committee.*

**SB 543 (Leno, D.- S.F.). Minor's consent to mental health counseling or shelter services.** Amends existing law permitting minors age 12 or older consent to mental health treatment or residential shelter care services without parental consent (Family Code Sec. 6924) in situations where the minor meets certain maturity and risk-of-harm criteria. This bill would relax the standard for consent by permitting treatment or residential care if the 12+ year old meets either the maturity or the personal risk criterion.. It would also remove associated parental notification requirements. *In Senate Judiciary Committee.*

**SB 687 (Leno, D.- S.F.). Community Corrections Performance Incentive funds and programs.** Establishes, in each county, a Community Corrections Performance Incentive Fund as a resource for county probation programs and services for adult offenders, designed to promote probation success and to reduce the number of probationers who are violated into the state prison system. The state Department of Finance would annually calculate the amount of state funds (derived from reduced state prison costs) to be allocated to each county based on the county's performance in meeting performance targets and reducing violator commitments to state prisons. The county community corrections operation would be overseen by a Community Corrections Partnership of local criminal justice and probation service stakeholders; these partners would allocate funds locally to evidence-based probation service programs. Performance outcome criteria and other county reporting and accountability criteria are included in the bill. Though applicable to the adult probation population, the bill is of interest for its development of a community-based corrections model that might be adaptable to juvenile justice populations. *In the Senate Appropriations Committee.*

**SB 698 (McLeod, D. – Chino). Juvenile Court schools.** Changes the method of calculating payments to juvenile court schools by using average daily enrollment, as defined, in lieu of average daily attendance. Exempts juvenile court schools from deficit factor reductions applied to revenue limits for other types of schools. *In the Senate Appropriations Committee.*

**SB 731 (Ashburn, R. – Bakersfield). Information exchanges by Multi Disciplinary Team members engaged in crime control.** Authorizes the exchange of non-privileged information by MDT members engaged in adult crime and street gang control efforts under terms and confidentiality provisions specified in the bill. *In the Senate Public Safety Committee.*

## **SUPPLEMENTAL REPORT ON SELECTED FOSTER CARE BILLS AFFECTING PROBATION-PLACED (JUVENILE JUSTICE) YOUTH**

**AB 12 (Beall, D. – San Jose and Bass, D. – L.A.). Extended foster care benefits to age 21.** Conforms California law to gain access to funds under the federal Fostering Connections to Success and Increasing Adoptions Act of 2008, which provides extended foster care benefits to qualified youth beyond the age of 18. Creates a new Juvenile Court jurisdictional category in California “nonminor dependents” who remain eligible to receive listed benefits until age 21. Benefits for which nonminor dependents may qualify include AFDC-FC, CalWorks, Kin-GAP. Non-minor dependents are defined as children in foster care who attain the age of 18, are under child welfare or probation supervision and have a transitional independent living case plan as defined in federal law. Pending amendments will address specific issues pertaining to probation youth such as whether a 601 or 602 youth who has left foster care is eligible for re-enrollment past age 18, and whether a probation youth receiving benefits after age 18 can be violated back into secure custody. *In the Assembly Appropriations committee.* (Repeat listing for this section).

**AB 295 (Ammiano, D. – S.F.). Wraparound service program status.** Removes the designation of the foster care wrap around services program (WIC 18250) as a “pilot project” to confirm wrap around as a permanent program. *In the Assembly Appropriations Committee.*

**AB 421 (Beall, D.- San Jose). Payments to for-profit out-of-state placements for seriously emotionally disturbed children.** Authorizes foster care payments to an out-of-state, for-profit placement provider for SED/special education youth for whom no suitable or comparable non-profit care facility can be located, under conditions and provisions detailed in the bill. *In Assembly Appropriations Committee.*

**AB 488 (Torres, D.- Ontario ). County placement performance agreements.** For counties with approved regulation waivers under performance agreements authorized by WIC 18987.62, would provide CDSS with authority to extend the performance agreements and related waiver for an additional three year period (beyond the present three year sunset). *In Assembly Appropriations Committee.*

**AB 500 (Conway- R., Visalia ). ~~Transportation of foster youth to school of origin.~~ California State University expansion.** Gutted and amended, no longer a foster youth bill. *To be removed from this tracking report.*

**AB 719 (B. Lowenthal, D. – Long Beach ). Food stamps for foster youth.** Requires the Department of Social Services to create the Transitional Food Stamps for Foster Youth Program effective 7/1/10. The program would provide that independent and transitioning foster youth not otherwise eligible under CalWORKS or SSI shall be eligible for food stamps without regard to income sources. *In Assembly Appropriations Committee.*

**AB 1258 (Arambula, D.- Fresno). School fund grants for education-based foster youth services.** Amends Section 42921 of the Education Code which authorizes State School Fund grants to support education-based foster youth services for foster children who reside in a licensed foster home or in a county-operated juvenile facility. AB 1258 expands the class of foster youth eligible for these services by removing the limitation that the grants may support only those children who reside in a licensed foster home or county-operated juvenile facility. *In Assembly Appropriations Committee.*

**AB 1393 (Skinner, D.- Oakland). Higher education housing priorities for foster youth.** Requests California Community Colleges to give priority in housing to current and former foster youth. Requires a campus of the California State University or University of California that maintains student housing facilities to give priority to current and former foster youth, with the added qualification that the provision shall apply to the University of California only to the extent that the Regents of UC so resolve. *On the Assembly Floor.*

**SB 114 (Liu, D.- Glendale). Extended Medi-Cal benefits for independent foster care youth.** Conforms California to federal law to extend Medi-Cal benefits beyond age 18 for foster youth without interruption in coverage or the requirement of a new application. Requires the Department of Health Care Services to implement a simplified form for continuing benefits. *On suspense in the Senate Appropriations Committee.*

**SB 352 (Dutton, R. – Inland Empire). Probation placements in out-of-county group homes.** Adds new requirements affecting placements of delinquent youth in out-of-county group homes including: a) the placing county must notify the receiving county in writing of any gang affiliation or dangerous behavior by the ward; b) requires group homes, upon the request of the receiving county probation department, to supply specified incident reports to the host probation department, and c) adds to the types of incidents that must be reported by group home to the state licensing agency. *Passed the Senate Human Service Committee and Senate Public Safety Committee, to the Senate Floor. (Repeat listing for this section.)*

**SB 597 (Liu- D., Glendale). AFDC-FC reimbursements for educational travel costs; health service coordination in foster youth case plans; other conforming provisions to the Federal Family Connections Act.** Adds, to reimburseable foster care costs for “care and supervision” under AFDC-FC, the costs of qualified educational travel. Requires the state Dept. of Social Services, in coordination with the Child Welfare Council and listed health experts, to develop a plan for ongoing oversight and coordination of health care services for children in foster care. Makes other changes to conform state law to the Federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (PL-110-351) and to qualify for related federal funds. *In the Senate Appropriations Committee.*