

# COMMONWEAL

The Juvenile Justice Program □ [www.comjj.org](http://www.comjj.org)

## JUVENILE JUSTICE AND RELATED YOUTH PROGRAM BILLS Introduced in the 2018 Session of the California Legislature

---

### March 2, 2018

This bulletin describes bills introduced in the 2018 session of the California Legislature on the subjects of juvenile justice, youth crime and violence prevention, probation foster care and related matters. Also covered are relevant two-year bills that are holdovers from 2017 and still pending in this second year of the two-year session. Some bills in this report are “spot” bills, meaning they have been introduced as placeholders with the idea that substance and content will be added at a later date. We expect to add bills in our next report, as changes are made in bill provisions or additional and relevant bills are located. Policy committees are meeting now on new bills; the deadline for fiscal bills to move to from policy to fiscal committee in the house of origin is April 27<sup>th</sup>. Spring recess for the Legislature will begin March 22<sup>nd</sup> and will last until the Legislature reconvenes on April 2<sup>nd</sup>. The full text of any bill can be accessed on the California legislative website at [www.leginfo.legislature.ca.gov](http://www.leginfo.legislature.ca.gov). More information on legislation, budget and policy issues affecting a range of youth justice subjects is available on the Commonweal Juvenile Justice Program website-- [www.comjj.org](http://www.comjj.org).

### Assembly bills

**AB 371 (Cooley, D. – Rancho Cordova). *Contacting minor for purposes of human trafficking.*** Adds human trafficking to the list offenses in Penal Code Section 288.3 for which contact with a minor for purposes of involving the minor in the offense is a felony. *Passed the Assembly 77/0/3. In the Senate Appropriations Committee; two-year bill.*

**AB 1406 (Gloria, D. - San Diego and Chiu, D. – S.F.). *Homeless Youth Housing Program.*** AB 1406 establishes the Homeless Youth Housing Program within the state Department of Housing and Community Development for the purpose of awarding grants to up to 10 recipients to provide housing and related services to homeless youth aged 24 or younger. The bill requires that the grant program be developed as a collaborative effort of the Dept. of Housing and Community Development and the Office of Emergency Services. Grants may be made under the bill to a city or county, a stakeholder “homeless continuum of care” as defined, or a community-based organization that meets requirements listed in the bill. Grantees must offer services drawn from a menu of housing assistance and support services listed in the bill. Requires recipients of grants to track data on the individuals served and to report the required information to the relevant state departments. Requires grant recipients to provide at least 25% matching funds. Contingent upon an appropriation in the state budget. *Passed Assembly 59/17/4. Pending in the Senate Transportation and Housing Committee; two-year bill.*

**AB 1488 (Thurmond, D. - Richmond). County juvenile transition centers.** This bill “gutted and amended” last August, converted from a bill setting up sickle cell anemia services to its present form. AB 1488 would require each California county to establish at least one juvenile transition center to provide transitional housing and related services to juveniles “upon release from juvenile correctional facilities”. The bill does not specify the types of “juvenile correctional facilities” to which it would apply. In addition to transitional housing, other services to be made available in the transition centers include “education, work training, health and mental health services, family and social services, and legal services.” An urgency measure requiring a two-thirds vote of each house. Counties are required to implement the measure only if state funds or funds from “other sources” become available. *In Assembly Rules Committee for further committee assignment.*

**AB 1744 (McCarty, D. - Sacramento). After School Education and Safety Act (ASESA) and 21st Century After School programs: substance abuse prevention services, marijuana taxes.** AB 1744 amends the ASESA to add, to the “educational enrichment” element that ASESA programs may offer, the option of offering “pupil assistance to reduce substance abuse and improve school retention and performance”. The bill also amends the 21st Century High School After School Safety and Enrichment for Teens program by adding the same substance abuse/school retention service elements. Together these programs provide substantial annual state and federal funds supporting a wide range of before- and after-school programs in California. The bill also amends the 2016 marijuana initiative adopted by California voters to provide that marijuana taxes allocated to a youth fund established by the initiative may be used to support the substance abuse services authorized by the bill for the ASESA and 21<sup>st</sup> Century after school programs. *Not yet assigned to committee.*

**AB 1930 (Stone, D – Santa Cruz). Resource family applications.** Provides that a county may terminate review of an application to become a resource family accepting placements of foster youth under Continuum of Care Reform (CCR) if the applicant has failed to cooperate with the application requirements. *To the Assembly Committee on Human Services.*

**AB 2010 (Chau, D. - Arcadia). Ban on pepper spray in juvenile facilities.** AB 2010 imposes a general ban on possession or use of chemical agents by employees or officers of a juvenile facility. A juvenile facility is defined in the bill to include juvenile halls, probation camps, the facilities of the state Division of Juvenile Justice, regional youth education and correctional facilities and “any other local or state facility used for the confinement of minors or wards”. An exception allows pepper spray to be used “only as a last resort when necessary to suppress a riot and only when de-escalation techniques have been unsuccessful or are not reasonably possible”, and then only with the approval of the facility administrator or designee and subject to documentation and incident reporting. AB 2010 borrows some language from the new restrictions on chemical agents recently adopted by the Board of State and Community Corrections (BSCC) in draft minimum standards for county juvenile facilities but goes farther in the direction of a total ban. *To the Assembly Public Safety Committee.*

**AB 2036 (Gipson, D. - Carson). Witness and victim protective orders made applicable to juveniles.** The bill amends Section 136.2 of the Penal Code which sets out the terms for courts to issue orders protecting witnesses or victims from contact by criminal defendants. Presently the protective orders apply only to adult criminal defendants. This bill applies the protective order authority of the court cover a “juvenile in a juvenile delinquency proceeding”. A protective order issued under Section 136.2 may require the adult or juvenile to refrain from contact and communication with a victim or witness and may also require the subject of the order to submit to electronic monitoring and to pay for it. In cases involving alleged domestic violence or cases involving a juvenile subject to state sex offender registration, the court must consider issuing a

protective order on its own motion. Additionally, this bill requires the juvenile court upon disposition of domestic violence or listed sex offense to consider a restraining order banning all contact with a victim or witness involved in the offense. *To the Assembly Public Safety Committee.*

**AB 2043 (Arambula, D. – Fresno). 24-hour hot line for CCR caregivers.** States the intent of the Legislature to establish a 24-hour hot line for foster youth caregivers who have emotional, behavioral or other needs that require response in order to prevent placement disruptions, reduce law enforcement contacts with foster youth and help connect foster youth and caregivers to community services. *Not yet assigned.*

**AB 2083 (Cooley, D. - Rancho Cordova). Spot bill on Continuum of Care Reform services to foster youth.** The bill states the intent of the Legislature to build upon Continuum of Care Reform (CCR) by developing a coordinated and trauma-informed system-of-care approach at the state and local levels for foster youth served by multiple agencies, and intent to require local child welfare, probation and allied agencies to develop memoranda of understanding on care management for foster youth by multiple agencies. Also states intent to require named state agencies to establish an interagency resolution team to support the objectives of the bill and to require the Depts. of Social Services and Health Care Health Care Services to submit a joint plan to the Legislature to improve the delivery of trauma-informed care to children placed in Short Term Residential Therapeutic programs or other placements under CCR. *Not yet assigned.*

**AB 2119 (Gloria, D. – San Diego). Gender affirming health and behavioral health care for foster youth.** Adds to the list of rights of children in foster care (Welfare and Institutions Code Section 16001.9) the right “to have access to gender affirming health care and gender affirming behavioral health services, as defined in Section 16501.31”. Adds WIC Section 16501.31 providing that upon the request of the minor or nonminor dependent or named representatives, the county child welfare agency shall assure that the minor or nonminor has access to gender affirming health care and gender affirming behavioral health services as defined. *To the Assembly Human Services Committee.*

**AB 2247 (Gipson, D. – Carson). Plans and limits on changes in foster care placements.** States legislative intent to avoid abrupt changes in placement that adversely affect foster youth. Requires the placing agency, prior to any placement change, to implement a plan to preserve the existing placement. The placement preservation plan is to cover the child and family team, restorative justice practices and facilitated mediation. Provides that, if after making the placement preservation plan the placing agency finds that a change in placement is necessary, 15-day notice on placement change must be provided to listed recipients. Prohibits making the placement change between the hours of 7:00 p.m. and 7:00 a.m. Provides that a child age 10 or older may request the State Foster Care Ombudsperson to investigate a placement change made in violation of the bill’s requirements. Also provides that the placing agency may implement a placement change without adhering to these requirements where remaining in the current placement would endanger the child’s health or safety. *Not yet assigned.*

**AB 2337 (Gipson, D. – Carson). Revisions in nonminor dependency jurisdiction.** AB 2337 revises the criteria used by courts to determine the eligibility of certain nonminors for continuing foster care benefits after age 18. It provides a procedure by which qualifying nonminors can petition the court to resume dependency jurisdiction (in lieu of transition jurisdiction), including a hearing process for nonminors in which the court must make various determinations regarding the nonminor’s continuing foster care status, living situation and status as a nonminor dependent. *To the Assembly Human Services Committee.*

**AB 2448 (Gipson, D. – Carson). Access to computer technology and the Internet in juvenile placements and facilities.** Reintroduces similar 2017 legislation vetoed by the Governor (AB 811, Gipson). As introduced, AB 2448 amends the Welfare and Institutions Code to establish the right of dependent and delinquent wards of the court to participate in “age-appropriate extracurricular, enrichment, and social-activities, including, but not limited to, access to computer technology and the Internet”. The bill also adds two new sections to the Welfare and Institutions code specifying that minors detained in a juvenile hall or committed to a county probation camp *shall* be provided with access to computer technology and the Internet for purposes of education and *may* be provided with such access to maintain relationships with families. In addition, the bill provides that Short Term Residential Therapeutic Programs, group homes and other listed caregivers must apply a “reasonable and prudent parent standard” in deciding whether to give permission to a foster youth to participate in enrichment and social activities that include access to computer technology and the internet. *Not yet assigned to committee.*

**AB 2595 (Oberholte, R. – Big Bear Lake). Continuing local jurisdiction over wards released from the Division of Juvenile Justice (DJJ).** AB 2595 makes what is essentially a technical amendment, declarative of existing law, to Welfare and Institutions Code Section 731, by specifying that the juvenile court has continuing jurisdiction over wards released from DJJ as provided by Welfare and Institutions Code Section 607.1 *Not yet assigned.*

**AB 2605 (Gipson, D.- Carson). Limits on placement provider contacts with law enforcement.** AB 2605 adds Section 1531.6 to the Health and Safety Code, providing that a named foster care provider shall “contact law enforcement for conduct of a child residing at the facility only when there is an emergency situation that poses a real and immediate physical threat to a child or other person that requires law enforcement intervention to mitigate the threat or when the facility or a facility employee is otherwise required by law to report an incident to law enforcement, including mandated reporting of child abuse, or if the child is missing or has run away.” The bill applies this condition to group homes, Short Term Residential Therapeutic Programs (STRTPs), and temporary or transitional shelter care facilities. Requires those facilities to conform its plans, policies and procedures to the new limits on contact with law enforcement. *Not yet assigned to committee.*

**AB 2659 (Cooley, D. – Rancho Cordova). Juvenile records spot bill.** Spot bill making a technical, nonsubstantive amendment to Welfare and Institutions Code Section 827 regarding confidentiality of juvenile court records and case files. *Not yet assigned.*

**AB 2706 (Jones-Sawyer, D. – L.A.). Division of Juvenile Justice discharge procedure.** Spot bill making technical, nonsubstantive amendment to Welfare and Institutions Code Section 1776 which sets out the duties and responsibilities of the Board of Juvenile Hearings and the criteria and process for discharges from confinement in the state Division of Juvenile Justice (DJJ). *Not yet assigned to committee.*

**AB 2720 (Waldron, R. – Escondido). Juvenile Re-Entry Grant Fund program expansion.** The Juvenile Re-Entry Grant Fund was established in 2010 as a component of legislative reforms realigning state youth parole operations from the Division of Juvenile Justice (DJJ) to local probation departments. As currently structured, the Re-Entry Grant Fund pays counties for probation supervision and service costs supporting DJJ ward re-entry needs until discharge from local court jurisdiction. This bill would extend eligibility of DJJ wards for Re-Entry Fund services to cover former DJJ wards for a two-year period extending beyond their discharge from local court jurisdiction. *Not yet assigned to committee.*

**AB 2816 (Muratsuchi, D. - Manhattan Beach). Juvenile Court schools spot bill.** Spot bill making nonsubstantive changes to Section 48645 of the Education Code which addresses education options for group home wards and which states that Orange County youth correctional centers need provide education services to wards only up to age 19. *Not yet assigned.*

**AB 2905 (Acosta, R. – Santa Clarita). California Foster Youth Enrichment Grant Pilot Program.** The bill requires the State Department of Social Services to establish a pilot program in in two rural and two urban counties to provide foster youth with grants of up to \$500 to pay for enrichment services including academic, recreational, social and other skill development activities. Sets out criteria for foster youth who would qualify for the grants. Stated goal is to support successful transition to adulthood and to build skills, abilities, self-esteem and well-being of foster youth. Depends on appropriation of funds in the budget. *Not yet assigned.*

**AB 2952 (Stone, D- Santa Cruz). “Brady” amendment to juvenile record sealing law.** AB 2952 amends Welfare and Institutions Code Section 786 which requires the Juvenile Court to seal juvenile offense records on its own initiative where the court determines that the juvenile has attained satisfactory completion of probation or diversion. This bill would add, to the other provisions of Section 786 that allow an auto-sealed record to be accessed for various purposes, a provision allowing a prosecutor to ask the Juvenile Court to be able to access and use the sealed record in order to meet statutory or constitutional (“Brady”) requirements to furnish exculpatory evidence to the defense in a criminal prosecution (usually meaning an separate prosecution in adult criminal court where the sealed record information becomes part of the public record). *To the Assembly Public Safety Committee.*

**AB 3005 (Chen, R- Diamond Bar). Access to confidential juvenile case files in fraud investigations.** This bill amends Welfare and Institutions Code Section 827 (the “confidentiality” section) to allow a juvenile case file to be accessed by an investigator employed by a county auditor-controller to support investigation into allegations of waste, fraud or abuse including misuse of information such as minors’ health information. Includes specific limits on the parties’ dissemination and use of any case file information accessed under this provision. *Not yet assigned to committee.*

**AB 3046 (Gipson, D. – Carson). Additions to the foster care bill of rights.** This bill adds approximately 20 changes to rights of foster youth that are listed in Welfare and Institutions Code Section 16001.9. Among the rights added by the bill are the rights to contact health and service providers and family members; the right to be placed with relatives or nonrelative extended family members; the right to be placed in the least possible restrictive setting; the right to be referred to by his or her preferred name and gender pronoun and to maintain the privacy of his or her sexual or gender identity; and the right to have reasonable access to computer technology and the Internet. See AB 3046 for additional rights included in the bill. *Not yet assigned to committee.*

## **Senate bills**

***SB 439 (Mitchell, D. – L.A. and Lara, D. – Bell Gardens). Limiting delinquency jurisdiction to minors between ages 12 and 17.*** SB 439 would limit the jurisdiction of the juvenile court in delinquency cases (WIC 601 status offenses and WIC 602 criminal offenses) to minors aged 12 through and including age 17, effectively exempting minors below age 12 from petitions and proceedings under those sections of the Welfare and Institutions Code. *Passed the Senate 24/13/3. In the Assembly Public Safety Committee; two-year bill.*

***SB 607 (Skinner, D. – Berkeley). School suspension for willful defiance.*** SB 607 places new limits on the criteria or reasons for which a pupil may be suspended from school. Current law (Education Code Section 48900) does not allow a pupil in grades 1-3 to be suspended for disrupting school activities or otherwise willfully defying the valid authority of school personnel. SB 607 would extend this ban on suspension for disruption or willful defiance to cover pupils in grades 1-5 (permanently) and additionally to cover pupils in grades 6-12 with a sunset date for the grade 6-12 group of July 2028. Amendments have added charter schools to the bill, banning suspension or expulsion for school disruption or willful defiance of charter school pupils in grades 1 through 12. *Passed the Senate 29/9/2, passed the Assembly Education Committee, pending vote on Assembly Floor; two-year bill.*

***SB 1083 (Mitchell, D. – L.A.) Resource family approvals.*** This bill makes changes to the approval process for resource families under the state’s Continuum of Care Reform (CCR). Under CCR, licensed group homes for foster youth are eliminated and replaced with two alternative placement options—either a “resource family” as defined or placement in a high-end treatment facility known as a Short Term Residential Therapeutic Program. This bill streamlines resource family approvals for foster family homes or for relatives or extended family members who previously had a child in placement by eliminating the requirement of a psychosocial assessment. The bill also changes the timing of permanency assessments required for resource families. It also adds a requirement for social workers or child advocates making disposition and case review reports to the court to include updates on case-related resource family status. *To the Senate Human Services Committee, set for hearing 4/10.*

***SB 1106 (Hill, D. – San Mateo). Young adult deferred entry pilot program.*** This bill removes the current sunset date on the Young Adult Deferred Entry Pilot program established by Senator Hill’s Senate Bill 1004 last year. This is a five-county pilot program allowing qualified young adults age 18-21 at the time of the offense to be housed in a county juvenile hall in order to receive the programming and other services available under the juvenile court law, with related requirements on separation from minors and evaluation by the Board of State and Community Corrections. The five county pilots are currently operating in Butte, Napa, Nevada, Santa Clara and Alameda Counties. They were scheduled to end in January 2020. This bill extends the life of the pilots by two years to January 2022. *To the Senate Public Safety Committee.*

***SB 1168 (Anderson, R. – Alpine). Juvenile record sealing spot bill.*** Spot bill making nonsubstantive amendment to Welfare and Institutions Code Section 786 which provides a process under which the Juvenile Court must order sealing of a juvenile offense record on its own initiative (“auto-sealing”) upon the juvenile’s satisfactory completion of program or diversion. *Not yet assigned.*

**SB 1198 Wilk (R.- Lancaster). Sex offender management, research and risk instruments.** States the intent of the Legislature to conduct research on recidivism of sex offenders in order to validate the effectiveness of the State-Authorized Risk Assessment Tool for Sex Offenders (“SARATSO”) and to document outcomes related to recent changes in California juvenile and adult sex offender registration laws, including those creating “tiered” in lieu of lifetime registration for designated offenders. This bill tasks the SARATSO Review Committee (consisting of representatives from the Dept. of Justice, CDCR and the Dept. of State Hospitals) with sponsoring research on recidivism of sex offenders to further validate the risk instruments now in use and to support further evaluation of sex offender laws and management practices. The bill also adds two members to the Sex Offender Management Board having juvenile justice expertise, including a probation officer with experience working with juveniles (appointed by the Assembly Speaker) and a juvenile sex offender treatment provider (appointed by Senate Rules). The bill also tasks the Sex Offender Management Board and the SARATSO Review Committee with additional duties including certification of standardized sex offender treatment programs, maintaining standards for certifying polygraph examiners and research into the selection and use of reliable and objective protocols and instruments for predicting sex offender recidivism. *Not yet assigned to committee.*

**SB 1281 (Stern, D. – Agoura Hills). Access to sealed juvenile records to enforce ban on firearm possession.** Penal Code Section 29820 bans possession of any firearm prior to age 30 by a person found by the Juvenile Court to have committed an offense enumerated in Section 29820, including any listed WIC Section 707 (b) serious offense. This bill would permit a prosecutor and the Department of Justice to access an offense record sealed by the Juvenile Court under WIC Section 786 for the purpose of enforcing the firearm possession ban. It would additionally prohibit the destruction of a WIC Section 786 sealed record until age 33 for any individual whose underlying juvenile offense has triggered the firearm possession ban. *To the Senate Public Safety Committee.*

**SB 1391 (Lara, D. – Bell Gardens & Mitchell, D.- L.A.). Limiting transfer to adult criminal court to juveniles age 16 or older.** Under current law, the Juvenile Court may order the transfer of a juvenile aged 14 or older to the jurisdiction of the adult criminal court if the juvenile meets offense and other criteria for transfer. Upon conviction in adult court, the juvenile may be sentenced to the full adult prison term. This bill would eliminate transfer authority and jurisdiction of the adult criminal court over juveniles who were age 14 or 15 at the time of the offense. In 2016, according to the California Department of Justice, juveniles aged 14 or 15 accounted for 31 (or net 8 percent) of all 406 juveniles transferred to adult criminal courts, either via prosecutorial direct file or order of the court after a juvenile “fitness” hearing. Since the adoption of Proposition 57 in 2016, prosecutors can no longer “direct file” juvenile cases in adult court and all transfers must be made by the juvenile court after a “transfer” hearing. Of interest is that the bill has been flagged by Legislative Counsel as a majority vote bill even though it alters the terms of a ballot initiative (Proposition 21) adopted in the year 2000; this is likely based on analysis concluding that this element of Proposition 21 has been eclipsed and nullified by the much more recent Proposition 57. *To the Senate Public Safety Committee.*

*Bill digests by David Steinhart, Director, Commonweal Juvenile Justice Program. Updated reports are posted on our website at [www.comjj.org](http://www.comjj.org).*