## **JUVENILE JUSTICE LEGISLATIVE UPDATE – 2023-2024 SESSION**

### **ASSEMBLY BILLS**

## AB 60 (Bryan)

#### **RESTORATIVE JUSTICE PROGRAM**

- Ensures victims are informed of the availability of community-based restorative justice programs and processes available to them, including programs serving their community, county, county jails, juvenile detention facilities, and the CDCR.
- Requires the Attorney General to include this information in the "Victim Protections and Resources" card
- Existing law establishes jurisdiction of juvenile court, and requires the probation officer to inform the victim of
  the crime in a juvenile proceeding of the final disposition of the case and of any victim-offender conferencing
  program or victim impact class available in the county.
  - Removes the requirement that the victim be notified of a victim-offender conferencing program but would require the victim to be notified of the availability of community-based restorative justice programs and processes that are available.

Co-sponsors: Centinella Youth Services, Inc., & CA Restorative Justice Policy Coalition

## AB 61 (Bryan)

#### RELEASE OF MINOR IF PROBABLE CAUSE DETERMINATION NOT MADE WITHIN 48 HOURS

- Removes the judicial holidays exemption and the petition exemption and would instead prohibit any juvenile from being held more than 48 hours if they did not receive an initial judicial determination of probable cause.
  - Provides that the initial determination may be based on sworn statements from the arresting officer, may be conducted in chambers or remotely by the court, and need not be an adversarial proceeding.
  - Also provides that the determination may occur at the detention hearing as described in Section 632 if that hearing occurs within 48 hours after the arrest.

**Legislative Intent:** "To codify the holding in County of Riverside v. McLaughlin (1991) 500 U.S. 44 that every warrantless arrest be reviewed by a judicial officer for probable cause promptly after arrest, that probable cause determinations made after 48 hours requires the government to demonstrate the existence of a bona fide emergency or other extraordinary circumstance, and that matters such as intervening weekends or the need for consolidating pretrial proceedings are not extraordinary circumstances."

#### In Senate

5/18/23 In Senate. Read first time. To Com. on RLS. For assignment

5/18/23 Read third time. Passed. Ordered to the Senate

5/23/23 Asm 3<sup>rd</sup> Reading File Assembly Bills

5/18/23 Read second time. Ordered to third reading

5/18/23 From committee: Do pass (Ayes 11. Noes 4.)

Updated as of 5/23/2023 sh

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	<b>Author's Statement:</b> "AB 61 will update the arraignment timeline to remove exceptions to the 48-hour rule, and ensure that a judge promptly reviews every warrantless arrest for probable cause. Currently, Sundays and holidays are not accounted for in the 48-hour rule, and as a result, people who are arrested can be in jail for more than four days without seeing an attorney."	
AB 93 (Bryan)	<ul> <li>CRIMINAL PROCEDURE: CONSENSUAL SEARCHES</li> <li>Prohibits a peace officer or law enforcement agency from conducting a warrantless search of a vehicle, person, or their effects, based solely on a person's consent.</li> <li>Specifies that consent to conduct a search is not lawful justification for a search.</li> <li>Legislature findings (excerpt):         <ul> <li>(c) Data and research make clear that such searches should not be considered truly consensual. In data reported to the state, officers report that 98.5 percent of individuals consent to a search when asked. Social psychology research indicates that the consent to search that people give when asked by an authority figure is not truly voluntary due to power dynamics, particularly with vulnerable populations. In California, policing agencies reported most frequently subjecting youth 10 to 17 years of age to searches based solely on purported consent.</li> </ul> </li> </ul>	5/23/23 Asm 3 <sup>rd</sup> Reading File Assembly Bills 3/8/23 Read second time. Ordered to third reading
AB 448 (Carrillo)	<ul> <li>Requires social workers and probation officers to document their family finding efforts in reports to the dependency court.</li> <li>Requires, upon delivery to the probation officer of a minor who has been taken into temporary custody as probation-involved youth, when the probation officer has reason to believe that the minor is at risk of entering foster care placement, the probation officer to immediately conduct, but not later than 30 days after the child has been detained, an investigation in order to identify and locate all grandparents, adult siblings, and other relatives of the child, including any other adult relatives suggested by the parents, and, if it is known or there is reason to know the child is an Indian child, any extended family members.</li> </ul>	5/23/23 Asm 3 <sup>rd</sup> Reading File Assembly Bills  5/18/23 Read second time. Ordered to third reading  5/18/23 From committee: Do pass. (Ayes 15. Noes 0.)

AB 505 (Ting)

#### THE OFFICE OF YOUTH AND COMMUNITY RESTORATION

#### Transfer of Duties

 Commencing July 1, 2025, transfers BSCC youth-related duties, including conducting inspections and developing and enforcing minimum standards for local facilities under the OYCR.

## Removal of references to "delinquent conduct"

 Removes references to "delinquent conduct" from provisions relating to BSCC's authority regarding the minimum standards and training for corrections and probation officers and other correctional personnel.

### • Inspection of Juvenile Facilities

• Requires OYCR to conduct a biennial inspection of juvenile facilities and authorizes OYCR to conduct unannounced inspections.

#### Sanctions

- Authorizes OYCR to implement a system of graduated sanctions for juvenile facilities subject to these
  provisions, and authorizes OYCR to adopt regulations as necessary to develop the system of sanctions,
  and would require that sanctions include the option for facility closure.
- Requires OYCR to submit an annual report to the Legislature regarding the sanctions imposed beginning July 1, 2026.

#### Ombudsperson

- o Authorizes the ombudsperson to access a facility at any time without prior notice.
- Requires the ombudsperson to have access to, review, receive and make copies of any record of local agency, including all juvenile facility records at all times, except as otherwise prohibited.
- Authorizes the ombudsperson to meet or communicate privately with any youth, personnel, or volunteer in a juvenile facility and interview any relevant witnesses.
- Requires the ombudsperson to be granted access to youth at all times, and would require the ombudsperson to be able to take notes, audio or video recording, or photographs during the meeting or communication with youth, to the extent not otherwise prohibited by applicable federal or state law.
- Requires the ombudsperson to include recommendations for improving the juvenile justice system in their regular reports regarding data annually collected and made publicly available on OYCR's internet website.

### • Plans and Specifications

- Requires the plans and specifications of every juvenile facility housing persons detained or committed pursuant to juvenile court law, when the plans involving construction, reconstruction, remodeling, or repairs of an aggregate cost in excess of \$15,000, to be submitted to the OYCR, and would transfer all authority, responsibilities, and duties conferred on the board by these provisions in relation to juvenile facility housing to the office. (Existing law ...remodeling, or repairs cost more than \$15,000).
- Requires BSCC to review existing facility standards by July 1, 2024, and would transfer all authority and responsibilities regarding secure youth treatment facilities to the OYCR.

5/23/23 Asm 3<sup>rd</sup> Reading File Assembly Bills

5/18/23 Read second time.
Ordered to third reading

5/18/23 From committee: Do pass. (Ayes 11. Noes 4.)

#### Juvenile Court Judge Inspection

- Requires a juvenile court judge to inspect all jail or juvenile facilities subject to specified standards and would require the judge to provide a copy of any notices of observed noncompliance and suitability findings to the OYCR.
- Beginning, July 1, 2025, transfers all authority, responsibilities, and duties conferred on the BSCC related to juvenile halls and special purpose juvenile halls to the OYCR. Also requires the OYCR to develop guidelines and procedures for determining suitability of juvenile facilities and would require the OYCR to conduct a publicly noticed hearing for public input regarding suitability, as specified. Requires the OYCR to collect data from any facility that may be used for the secure detention of minors and publish the data, disaggregated by descriptors, including, but not limited to, age, gender, race, ethnicity, and sexual orientation and make that information accessible to the public, unredacted, on OYCR's internet website.

### Confidentiality of Information

• Authorizes personnel from OYCR to access information in a juvenile case file to carry out the duties of the OYCR.

#### Grant Programs

 Makes conforming amendments to transfer the administration of various juvenile justice grant programs, including the Local Youthful Offender Rehabilitative Facility Construction Grants program, from BSCC to OYCR beginning January 1, 2025, and would designate the OYCR as the state planning agency with respect to the specified federal acts pertaining to juvenile justice.

## AB 599 (Ward)

#### SUSPENSIONS AND EXPULSIONS: CONTROLLED SUBSTANCES: TOBACCO

- Removes the possession of tobacco or nicotine products on school grounds or at a school activity as basis for suspension from school or recommendations for expulsion, commencing July 1, 2025.
- Requires the California Department of Education to develop and make available a model policy for public health approach to address student possession and use of drugs on school property.
- Requires local educational agencies (LEA) adopt a plan by July 1, 2025, addressing students who possess or use
  drugs on school property. An LEA's plan shall be youth-informed, reduce criminalization, and include specific
  information on where on campus and in the community, students can receive education, treatment, or support
  for substance abuse.

## 5/23/23 Asm 3<sup>rd</sup> Reading File Assembly Bills

- 5/18/23 Read second time. Ordered to third reading
- 5/18/23 From committee: Do pass. (Ayes 15. Noes 0.)

## AB 610 (Holden)

#### <del>YOUTH</del> STUDENT TRANSIT PASS PILOT PROGRAM: FREE <del>YOUTH</del> STUDENT TRANSIT PASSES

 Creates a five-year <del>Youth</del> Student Transit Pass Pilot Program to award grants to transit agencies to create a new fare free student transit pass program or to maintain, subsidize, or expand an existing fare free student transit pass program. 5/23/23 Asm 3<sup>rd</sup> Reading File Assembly Bills

5/18/23 Read second time and amended. Ordered returned for second reading

		5/18/23 From committee: Amend, and do pass as amended (Ayes 11. Noes 0.)
AB 665 (Carrillo)	<ul> <li>MINORS: CONSENT TO MENTAL HEALTH SERVICES</li> <li>Aligns provisions of state law so that minors who are covered by Medi-Cal will have the same right to consent to mental health services as minors who do not rely upon Medi-Cal.</li> <li>Aligns with existing law by removing the additional requirement that, in order to consent to mental health treatment or counseling on an outpatient basis, or to residential shelter services, the minor must present a danger of serious physical or mental harm to themselves or to others, or be the alleged victim of incest or child abuse.</li> <li>Aligns with existing laws by requiring the professional person treating or counseling the minor to consult with the minor before determining whether involvement of the minor's parent or guardian would be inappropriate.</li> <li>Legislative findings (excerpt): <ul> <li>Less than 19% of low-income teenagers on Medi-Cal received screenings for depression and a follow up plan in 2020. This is despite the reality that nearly one in three adolescents in California reported symptoms that meet the criteria for serious psychological distress.</li> <li>Despite an overall decrease in the suicide rate in California, in 2020, youth, particularly Black and Latinx youth, and girls all showed disproportionate increases in suicide. A shocking 78% of LGBTQ+ youth who were surveyed shared they had considered suicide, with the vast majority of those who had considered suicide sharing they had done so in the last year, and nearly one-third had made an attempt in the past year.</li> </ul> </li> </ul>	In Senate 5/3/23 Referred to Com. on JUD  4/10/23 Read third time. Passed. Ordered to Senate (Ayes 55. Noes 9.)
AB 685 (Ramos and Garcia)	<ul> <li>WORKFORCE TRAINING: CALIFORNIA VOLUNTEERS: YOUTH JOB CORPS</li> <li>Codifies the #CaliforniansForAll Youth Job Corps Program (YJCP) in statute and requires the California Volunteers to fund supportive services necessary for homeless youth and current or former foster youth to participate in the workforce development program.</li> <li>Finds and declares, among other things, that establishing pipelines for youth to enter growth industries for onthe-job training that allows them to earn and learn is a proven practice that can transform their participation in the labor force fostering economic security and prosperity as well as strengthening the sustainability of the overall economy.</li> <li>Defines "homeless youth"</li> <li>Defines "target youth" as a person who is less than 30 years of age who meets either of the following criteria:         <ul> <li>Person is, or has been the subject of a petition filed pursuant to WIC Section 300 and who was removed from the person's home by the juvenile court pursuant to WIC Section 602 and who was removed from the person's home by the juvenile court pursuant to WIC Section 727.</li> </ul> </li> </ul>	Set for hearing on 5/18/23 Hearing postponed by committee  3/22/23 From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 0.) (March 22). Re-referred to Com. on APPR

	<ul> <li>Specifies that "targeted youth" includes, but is not limited to, youth who are low income, unemployed, justice involved, out of school, in foster care, or engaged with mental health or substance abuse.</li> <li>Defines "supportive services"</li> <li>Defines "workforce development program"</li> </ul> Additional Info: The #CaliforniansForAll Youth Job Corps is a program to bring together youth across the state to help address urgent challenges in California's communities. Participants are paid a living wage while learning key job skills, developing career pathways and engaging in their community.	
(Pacheco)	<ul> <li>UVENILE DETENTION FACILITIES IMPROVEMENT GRANT PROGRAM (LA COUNTY)</li> <li>Upon appropriation by the Legislature, creates the Juvenile Detention Facilities Improvement Grant Program to be administered by OYCR provide grants to counties of the first class (population of 4 million and over) counties to address infrastructure needs of the state's detained and supervised youth in the county.         <ul> <li>Grants awarded based on the priorities for infrastructure improvements/prioritizes projects with the highest critical infrastructure need.</li> <li>Requires counties to prepare a facilities improvement plan for the expenditure of funds.</li> <li>Requires the plan be approved by both OYCR and the governing body of the county.</li> </ul> </li> <li>Funds may only be used for         <ul> <li>Newly constructed living space for youths;</li> <li>Modernize housing units and sleeping rooms to comply with existing building standards and achieve a homelike environment; or</li> <li>Space to provide rehabilitative and educational programming for youths</li> </ul> </li> <li>Facility improvements cannot result in new increase in county rated capacity.</li> <li>States that a special statute is necessary because of the unique need to address the significant problems of inadequate and dilapidated juvenile facilities in LA County.</li> </ul> <li>Note: LA County is the only county that would qualify for this grant. LA received \$17 million of the \$100 million allocated to improving juvenile facilities in last year's budget.</li>	5/23/23 Asm 3 <sup>rd</sup> Reading File Assembly Bills  5/18/23 Read second time and amended. Ordered returned for second reading  5/18/23 From committee: Amend and do pass as amended (Ayes 14. Noes 1.)
(Jackson)	<ul> <li>Revise and recast required components of the multiagency juvenile justice plan, to additionally require the plan to include:         <ul> <li>An assessment of existing community-based youth development services;</li> <li>Identification and prioritization of areas of the community that are vulnerable to court system; improvement due to high rates of poverty;</li> <li>Incarceration of at-promise youth's family members; and</li> <li>Description of the target population funded under these provisions</li> </ul> </li> <li>Requires programs and strategies funded to be modeled on:</li> </ul>	4/25/23 In committee: Set, first hearing. Hearing canceled at the request of author.  03/27/23 Re-referred to Com. on PUB. S.

- Healing-centered, restorative, trauma-informed, and positive youth development approaches and in collaboration with community-based organizations.
- Requires no less than 95% of the funds allocated under these provisions to be distributed to community-based
  organizations and other public agencies or departments that are not law enforcement entities, as specified,
  and prohibits this portion of the funds from being used for law enforcement activities or personnel.
- Requires **JJCC to include additional information in its annual report to the board of supervisors** and the board relating to their programs, including data on youth participants and council members.
- Revise and recast those membership provisions, and instead require each JJCC to, at a minimum, consist of 7
  members with at least 50% community representatives with the remainder of the seats allocated to
  representatives from government agencies, as specified.
  - Requires 2 co-chairs from amongst its members, at least one of whom shall be a community representative.
  - o JJCC shall prioritize inclusion of an at-promise youth and persons with experience in the juvenile court system, or a family member of that youth, on the council.
  - o JJCC may include one representative each from:
    - Public health department
    - District attorney's office
    - County probation department
    - Public defender's office
    - Board of supervisors
    - Department of social services
    - Department of mental or behavioral health
    - A community-based drug and alcohol program
    - A city police department
    - County office of education or a school district, and
    - County department of children, youth, and families
  - JJCC shall also include community representatives who are currently or formerly justice systeminvolved and representatives from nonprofit, community-based organizations that provide services to youth and that do not have an existing contract with a law enforcement department or agency.
- Requires a council to meet no less than 3 times per year and announce its meetings at least 10 days in advance of a meeting.
- Requires a council to make meetings accessible to the public through remote participation

Similar Bill: SB 493 (2021) revised JJCC membership – held in Senate Appropriations Committee (died)

03/23/23 From committee chair, with author's amendments: Amend, and re-refer to Com. on PUB. S. Read second time and amended

AB 762 (Wicks)	<ul> <li>CALIFORNIA VIOLENCE INTERVENTION AND PREVENTION GRANT PROGRAM</li> <li>Specifies the purpose of the CalVIP program is to support effective community gun violence reduction initiatives in communities that are disproportionality impacted by community gun violence.</li> <li>Expands the CalVIP program to include counties that have one or more cities disproportionately impacted by community gun violence and tribal governments.</li> <li>Increases the max grant amount to \$2.5M per year and requires a grant cycle to be at least 3 years.</li> <li>Requires the board to establish an executive steering committee composed of, among other entities, persons who have been impacted by community gun violence and the director of the Office of Gun Violence Prevention or their designee.</li> <li>Authorizes the board to reserve up to 5% of the funds appropriated for CalVIP for the purpose of supporting programs and activities designed to build and sustain capacity in the field of community gun violence intervention and prevention.</li> <li>Repeals the repeal date of the CalVIP program, thereby extending this program indefinitely.</li> </ul>	5/23/23 Asm 3 <sup>rd</sup> Reading File Assembly Bills  5/18/23 Read second time. Ordered to third reading  5/18/23 From committee: Do pass (Ayes 15. Noes 0.)
AB 890 (Patterson)	<ul> <li>CONTROLLED SUBSTANCES: PROBATION</li> <li>Requires a court to order a defendant who is granted probation for specified drug offenses involving fentanyl and other specified opiates to complete a fentanyl and synthetic opiate education program.</li> <li>Requires a court to only order the defendant to participate in programs approved by the State Department of Public Health.</li> <li>Requires the Department to, among other things, set education provider standards, approve program providers, and conduct periodic audits of probation departments and program providers to ensure compliance.</li> <li>Requires probation departments to report an unexcused absence by a defendant from a fentanyl and synthetic opiate education program to the court within 2 business days.</li> <li>If the defendant is a minor their parents or guardians would also be required to participate in the education program.</li> </ul>	5/23/23 Asm 3 <sup>rd</sup> Reading File Assembly Bills  5/18/23 Read second time. Ordered to third reading  5/18/23 From committee: Do pass (Ayes 15. Noes 0.)
AB 898 (Lackey)	<ul> <li>JUVENILE HALLS</li> <li>Requires Juvenile Probation Department's to annually report injuries to juvenile hall staff and residents resulting from an interaction with a resident to BSCC.</li> </ul>	5/23/23 Asm 3 <sup>rd</sup> Reading File Assembly Bills  5/18/23 Read second time. Ordered to third reading  5/18/23 From committee: Do pass (Ayes 15. Noes 0.)

AB 912 (Jones-Sawyer)

#### STRATEGIC ANTI-VIOLENCE FUNDING EFFORTS ACT (SAFE ACT)

- \$50M annually to reallocate The bill would reestablish the Youth Reinvestment Grant Program to be administered by OYCR (moving administration from BSCC) for local jurisdictions and California tribes for traumainformed diversion programs for youth.
- \$35M annually to Upon appropriation by the Legislature, the bill would establish the Dept. of Justice Violence Reduction Grant Program administered by DOJ for the purpose of supporting evidence-based, focus-deterrence collaborative programs, modeled after successful programs like Ceasefire in Oakland, that conduct outreach to targeted gangs and offer supportive services to reduce and eliminate violence and gang involvement.
- \$50M to Upon appropriation by the Legislature, the bill would establish the California Health and Human Services Agency, to award grant in 5-year cycles, for schools to implement the Trauma Intervention Program to implement evidence-based interventions for pupils impacted by trauma. Gives priority to Alameda, Fresno, Merced, Tulare, Kern, and Los Angeles. Requires the Agency to open eligibility for grants every 5 years, with priority to the top 6 counties that have the highest rate of violent crime and homicide, as reported by DOJ's annual crime data report. Requires grants be awarded to a research organization to conduct a study on the effects of the treatment, including any effect on subsequent criminality.
- \$50M annually Renames the Public School Health Center Support Program to the School-Based Health Center Support Program and would redefine a school-based health center to mean a student-focused health center or clinic that is located at or near a school or schools, is organized through school, community, and health provider relations, and provides age-appropriate, clinical health care services onsite by qualified health professionals.
- \$50M annually Creates a grant program, subject to an appropriate, under the Department of Parks and Recreation in support of grants to local governments and community-based organizations to create new parks and fund recreation and health-based opportunities during peak times of violence.

5/23/23 Asm 3<sup>rd</sup> Reading File Assembly Bills

5/18/23 Read second time and amended. Ordered returned for second reading

5/18/23 From committee: Amend, and do pass as amended (Ayes 12. Noes 0.)

## AB 1071 (Hoover)

#### TEEN DATING VIOLENCE PREVENTION EDUCATION: ONLINE INFORMATION AND RESOURCES

Requires the State Department of Education's internet website make (1) resources on abuse, including sexual, emotional, and physical abuse, and teen dating violence prevention for professional learning purposes (2) information about local and national hotlines and services for youth experiencing teen dating violence; and (3) other relevant materials for parents, guardians, and other caretakers of pupils, available on its internet website.

#### In Senate

5/11/23 In Senate. Read first time. To Com. on RLS for assignment

5/11/23 Read third time. Passed. Ordered to the Senate

5/11/23 Read third time. Passed. Ordered to Senate (Ayes 66. Noes 0.)

## AB 1118 (Kalra)

#### RACIAL JUSTICE ACT APPEALS

- Prohibits discrimination in juvenile and criminal proceedings and provides remedies for prosecutions, convictions, or adjudications involving racial bias or discrimination.
- Authorizes a defendant to raise a claim of racial discrimination in the trial record directly on appeal after conviction or sentencing.
- Authorizes the defendant to also move to stay the appeal and to request remand to the superior court for filing
  of a motion to vacate the sentence based on a discrimination claim.

#### In Senate

5/18/23 From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, and re-referred to Com on PUB S.

### AB 1154 (Wilson)

#### **JUVENILES: MENTORING PROGRAMS**

- Requires at each status review hearing for a probation-supervised foster youth, the social study to include an
  updated case plan with information as to whether the child or non-minor dependent would likely experience
  emotional and social benefits from a mentor, and should be ordered to participate in one-to-one mentoring.
- Requires the court, at any status hearing, if the social study includes a referral for mentoring, to order the foster youth to participate in a mentoring program.
- Requires, if the supplemental report includes a referral for mentoring, the court to ask the foster youth at any
  status hearing whether participation in a mentoring program has been offered to them and whether they are
  interested in participating in a mentoring program and specifies that the foster youth will only be referred for
  mentoring if they agree to participate.
- Authorizes a court to refer or order the foster youth to participate in a one-to-one mentoring program through a nonprofit organization that meets specified criteria, including, among other things, having experience serving foster children and youth.
- Requires a social worker or probation officer to make their best efforts to identify and refer a foster youth for whom mentoring has been recommended and accepted or for whom mentoring has been ordered to a nonprofit organization.

This bill specifies that a mentor is an individual who works for, or volunteers with, a nonprofit organization, as described in these provisions, and is not considered a CASA.

**Need for this bill according to the Author:** The provisions of this bill are seeking to address the impact of trauma, abuse, neglect and abandonment on youth in foster care by authorizing the court to refer youth to one-to-one mentoring if they are referred by their social worker or probation officer.

5/18/23 In committee: Held under submission

5/18/23 Joint Rule 62(a), file notice suspended

4/18/23 From committee: Amend, and do pass as amended and re-refer to Com. on APPR. With rec: To Consent Calendar (Ayes 11. Noes 0.)

## AB 1165 (McCarty)

#### PUPIL DISCIPLINE: HATE VIOLENCE: RESTORATIVE JUSTICE PROGRAM

- Existing law requires suspension to only be imposed when other means of correction, including, but not limited to, participation in a restorative justice program, fail to bring about proper conduct, except that the suspension of a pupil for a first offense is authorized if the principal or superintendent of schools determines that the pupil violated one of a certain subset of those enumerated acts or that the pupil's presence causes a danger to persons.
- For a pupil who has been suspended, or for whom other means of correction have been implemented, for an incident of racist bullying, harassment, or intimidation, encourage local educational agencies to have both the victim and perpetrator engage in a restorative justice practice that is found to suit the needs of both the victim and the perpetrator.
- Encourages local educational agencies to regularly check on the victim of the racist bullying, harassment, or
  intimidation to ensure that the victim is not in danger of suffering from long-lasting mental health issues, and
  would also encourage local educational agencies to require perpetrators to engage in culturally sensitive
  programs, as provided.

#### In Senate

5/17/23 Referred to Com. on ED.

5/4/23 In Senate. Read first time. To Com. on RLS for assignment

5/4/23 Read third time. Passed. Ordered to Senate (Ayes 75. Noes 0.)

## AB 1186 (Bonta)

## JUVENILES: RESTITUTION – REMOVES THE ABILITY OF THE COURT TO REQUIRE A MINOR TO PAY VICTIM RESTITUTION (The REPAIR Act)

- Authorizes the court to instead order the minor to make amends by participating in a restorative justice program, performing community service, or participating in an educational, employment, youth development, or mental health program.
  - Requires these alternative programs to be youth appropriate, limited to no more than 25 hours, not interfere with the minor's school or work commitments, and be provided at no cost to the minor or their parent or guardian.
- Requires the court to determine the amount of the economic loss suffered as a result of the minor's conduct and issue a restitution order, which would be transmitted to the California Victim Compensation Board.
- Requires the California Victim Compensation Board, upon appropriation by the Legislature for these purposes, to compensate the victim for the amount of the order.
- Removes the requirement that a minor ordered by the juvenile court to complete a sex offender treatment
  program must pay the reasonable costs of the program. Provides that the minor or the minor's parent or
  guardian shall not be responsible for the cost of the program.
- Removes the ability of the court to require a minor to pay restitution to the victim when they participate in deferred entry of judgement.
- Repeals the ability of the court to issue a citation to a minor's parents or guardians making them liable for the payment of restitution.
- Prohibits the court from considering a minor's future earning capacity as a factor in determining a minor's ability to pay a restitution fine.

5/23/23 Asm 3<sup>rd</sup> Reading File Assembly Bills

5/18/23 Read second time. Ordered to third reading

5/18/23 From committee: Do pass (Ayes 11. Noes 4.)

- For any order imposed prior to January 1, 2024, a minor has the right to a hearing to dispute the determination of the amount of restitution and the court may decrease the amount on its own motion or the motion of the DA, victim or victims, or the minor.
- Removes government entity responsible for repairing privately owned property from the definition of victim.

#### Legislature Intent (excerpt)

- No minor or the minor's parent or guardian shall be ordered to pay restitution to a victim that incurred economic loss as a result of the conduct of that minor.
- To eliminate the current youth restitution system and publicly fund survivor compensation.

## AB 1321 (Bonta)

## CALIFORNIA COORDINATED NEIGHBORHOOD AND COMMUNITY SERVICES GRANT PROGRAM "IT TAKES A VILLAGE ACT 2023"

- Creates a "California Coordinated Neighborhood and Community Services Grant Program" and requires grantees to implement a comprehensive, integrated continuum of cradle-to-career solutions at the neighborhood level, or support the civic infrastructure and backbone of cradle-to-career networks that support their network partners to accomplish systems change.
- Requires eligible entities to do either:
  - o a) Implement a comprehensive, integrated continuum of cradle-to-career solutions at the neighborhood level; or,
  - o b) Support the civic infrastructure and backbone of cradle-to-career networks that support their network partners to accomplish systems change.
- Requires solutions to be in areas that include, but are not limited to, academic, health, social programs, and
  family and community supports, to meet the needs of high-need populations identified by a needs assessment
  or indicators, such as poor health for children, disparity gaps in school performance based on income or racial or
  ethnicity disaggregation, high rates of juvenile delinquency, adjudication or incarceration, or high rates of foster
  care placement.
- Requires grants to be awarded to eligible entities that are Promise Neighborhoods (PNs), other community-based networks, or multineighborhood, regional cradle-to-career networks.

**Legislative Intent** - programs in the continuum should improve academic achievement and equitable social outcomes, including improving outcomes of early development, child and youth social and health development, and college and career readiness, as well as build strong family and community supports to help families move out of poverty.

**Related legislation:** AB 2517 (Bonta, 2022) would have established the CA Coordinated Neighborhood and Community Services Grant Program but was vetoed by the Governor "due to the substantial costs to administer AB 2517 in addition to the tens of millions of dollars in grant funding that would be necessary, neither of which were accounted for in the budget."

5/23/23 Asm 3<sup>rd</sup> Reading File Assembly Bills

5/18/23 Read second time.
Ordered to third reading

5/18/23 From committee: Do pass. (Ayes 14. Noes 0.)

AB 1394	COMMERCIAL SEXUAL EXPLOITATION: CHILD SEXUAL ABUSE MATERIALS CIVIL ACTIONS	5/23/23 Asm. 3 <sup>rd</sup> Reading
(Wicks)	• <b>Prohibit a social media platform</b> , as defined, from knowingly, recklessly, or negligently facilitating, aiding, or abetting <b>commercial sexual exploitation</b> .	File Assembly Bills
	<ul> <li>Requires a court to award statutory damages not exceeding \$5,000,000 and not less than \$1,000,000 for each act of commercial sexual exploitation facilitated, aided, or abetted by the social media platform.</li> <li>Defines "facilitate, aid, abet" to mean to deploy a system, design, feature, or affordance that is a substantial factor in causing minor users to be victims of commercial sexual exploitation.</li> <li>Requires a social media platform to, among other things, provide, in a form that is reasonably accessible to users, a means for a user who is a California resident to report material to the social media platform that the user reasonably believes meets certain criteria, including that the reported material is child sexual abuse material, as defined, in which the reporting user is an identifiable minor depicted in the reported material.</li> <li>Requires the social media platform to permanently block the reported material from being viewable on the social media platform, as prescribed, if the reported material is child sexual abuse material that is displayed, stored, or hosted on the social media platform.</li> </ul>	5/3/23 Read second time. Ordered to third reading 5/2/23 From committee. Do pass. (Ayes 10. Noes 0.)
AB 1479 (Garcia)	<ul> <li>PUPIL HEALTH: SOCIAL-EMOTIONAL, BEHAVIORAL, AND MENTAL HEALTH SUPPORTS</li> <li>Establishes the Pupil Social-Emotional, Behavioral, and Mental Health Program, to be administered by the State Department of Education, to provide eligible local educational agencies with an allocation of moneys to provide Model Tier 1 Support, as defined, accessible to pupils and families.</li> <li>Commencing with the 2024–25 school year, bill would require all schools within a school district or county office of education, and charter schools that meet certain criteria and have a plan approved by the department to provide evidence-based, Tier 1 social-emotional, behavioral, and mental health support accessible to pupils and families, to be eligible for an apportionment of state funds under the program for those purposes, as provided.</li> <li>Legislative Findings: Children struggling with mental health issues have difficulty learning and attending school consistently, and educators have reported increases in troubling pupil behavior.</li> </ul>	5/23/23 Asm 3 <sup>rd</sup> Reading File Assembly Bills  5/18/23 Read second time. Ordered to third reading  5/18/23 From committee: Do pass (Ayes 15. Noes 0.)
AB 1497	CRIMINAL PROCEDURE	5/18/23 In committee: Held
(Haney)	<ul> <li>Creates additional rights for victims of human trafficking or intimate partner or sexual abuse, including extending vacatur relief and the affirmative defense to violent felonies committed as the result of being a victim.</li> <li>States that, in any juvenile delinquency proceeding, if the court finds that the alleged offense was committed as a direct result of being a victim of human trafficking then it shall dismiss the case and automatically seal the case records. (Pen. Code, §§ 236.23, subd. (f), 236.24, subd. (f).)</li> <li>Abolishes the defense of diminished capacity. In a criminal action, as well as any juvenile court proceeding, evidence concerning an accused person's intoxication, trauma, mental illness, disease, or defect is not admissible to show or negate capacity to form the particular purpose, intent, motive, malice aforethought,</li> </ul>	under submission  4/25/23 From committee: Do pass and re-refer to Com. on APPR. (Ayes 6. Noes 1.)

<ul> <li>knowledge, or other mental state required for the commission of the crime charged. (Pen. Code, § 25, subd. (a).)</li> <li>Provides that as a matter of public policy there shall be no defense of diminished capacity, diminished responsibility, or irresistible impulse in a criminal action or juvenile adjudication hearing. (Pen. Code, § 28, subd. (b).</li> </ul>	
Author's Statement: According to the author, "Victims of domestic violence, human trafficking, sexual violence, and other violence need protection, healing, and care to rebuild their lives when they are involved in criminal cases — not further criminalization and punishment from our legal system. California law still excludes many survivors of violence from sharing relevant information about their victimization and from accessing legal protections and remedies during court processes. This bill seeks to ensure that no survivors of violence — particularly Black and brown women, youth, queer, or transgender individuals — are excluded from legal remedies that open up pathways to healing and a fresh start for them and their families.	
<ul> <li>CHILDHOOD SEXUAL ASSAULT: STATUTE OF LIMITATIONS</li> <li>Provides that a claim seeking to recover damages arising out of a sexual assault by an employee of a juvenile probation camp or detention facility owned and operated by a county or of a youth facility owned and operated by the DJJ at the time the sexual assault occurred, that would otherwise be barred before January 1, 2024, because the applicable statute of limitations has expired, is revived and may proceed or be commenced within one year, as specified.</li> </ul>	5/18/23 In committee: Held under submission  4/18/23 From committee: Do pass and re-refer to Com. on APPR. (Ayes 11. Noes 0.)
JUVENILES: INFORMAL SUPERVISION	In Senate
• Prohibits a minor from participating in a program of supervision if the minor has committed an offense in which the restitution owed exceeds \$5,000 (increase from \$1,000)	Hearing set for 6/6/23
• Raises the amount which requires the probation officer to commence proceedings within 48 hours if the minor is alleged to have committed an offense in which victim restitution is owed, from exceeding \$1,000 to exceeding \$5,000.	5/17/23 Referred to Com. on PUB S.
75,555	5/8/23 Read third time. Passed. Ordered to Senate (Ayes 56. Noes 8.)
	<ul> <li>Provides that as a matter of public policy there shall be no defense of diminished capacity, diminished responsibility, or irresistible impulse in a criminal action or juvenile adjudication hearing. (Pen. Code, § 28, subd. (b).</li> <li>Author's Statement: According to the author, "Victims of domestic violence, human trafficking, sexual violence, and other violence need protection, healing, and care to rebuild their lives when they are involved in criminal cases – not further criminalization and punishment from our legal system. California law still excludes many survivors of violence from sharing relevant information about their victimization and from accessing legal protections and remedies during court processes. This bill seeks to ensure that no survivors of violence – particularly Black and brown women, youth, queer, or transgender individuals – are excluded from legal remedies that open up pathways to healing and a fresh start for them and their families.</li> <li>CHILDHOOD SEXUAL ASSAULT: STATUTE OF LIMITATIONS</li> <li>Provides that a claim seeking to recover damages arising out of a sexual assault by an employee of a juvenile probation camp or detention facility owned and operated by a county or of a youth facility owned and operated by the DJJ at the time the sexual assault occurred, that would otherwise be barred before January 1, 2024, because the applicable statute of limitations has expired, is revived and may proceed or be commenced within one year, as specified.</li> <li>JUVENILES: INFORMAL SUPERVISION</li> <li>Prohibits a minor from participating in a program of supervision if the minor has committed an offense in which the restitution owed exceeds \$5,000 (increase from \$1,000)</li> <li>Raises the amount which requires the probation officer to commence proceedings within 48 hours if the minor</li> </ul>

## SENATE BILLS

	SENATE BILLS	
SB 22 (Umberg)	<ul> <li>COURTS: REMOTE PROCEEDINGS – Juvenile Proceedings</li> <li>Authorizes, until January 1, 2026, a party to appear remotely and a court to conduct conferences, hearings, proceedings, and trials in specific types of proceedings, including, among others, a juvenile court proceeding and an extension of a juvenile commitment, in whole or in part, through the use of remote technology.</li> <li>Authorizes the court to require a party or witness to appear in person at a conference, hearing, or proceeding, if any specified condition is present.</li> <li>Requires the court to have a process for a party, court reporter, court interpreter, or other court personnel to alert the judicial officer of technology or audibility issues.</li> <li>Prohibits a court from requiring a party to appear remotely.</li> <li>Would allow self-represented parties to appear remotely only if they agree to do so.</li> <li>Requires the Judicial Council to adopt rules to implement these provisions, as specified.</li> <li>Requires each superior court to report to the Judicial Council on or before October 1, 2023, and annually thereafter, and would require the Judicial Council to report to the Legislature on or before December 31, 2023, and annually thereafter, to assess the impact of technology issues or problems affecting civil remote proceedings and purchases and leases of technology and equipment to facilitate civil remote conferences, hearings, or proceedings.</li> </ul>	5/23/23 Sen 3 <sup>rd</sup> Reading File Senate Bills  5/18/23 Read second time. Ordered to third reading  5/18/23 From committee: Do pass (Ayes 7. Noes 0.)
SB 46 (Roth)	Strikes the requirement that a juvenile court order a minor or their parents or guardians to receive a controlled substance education or treatment program.	5/23/23 Sen 3 <sup>rd</sup> Reading File Senate Bills  5/18/23 Read second time and amended. Ordered to second reading  5/18/23 From committee: Do pass as amended (Ayes 7. Noes 0.)

SB 266 (Newman)	<ul> <li>PUBLIC SAFETY COLLABORATIVE</li> <li>Creates the Public Safety Collaborative Fund in the State Treasury to require BSCC to administer public safety collaborative grants to regional public safety collaboratives established for violence prevention, intervention, and suppression activities.</li> <li>Requires a collaborative applying for a grant to establish a coordinating and advisory board with membership, including city officials, local law enforcement, and local stakeholders, to prioritize the use of the funds.</li> <li>Authorizes grant funds to be utilized for a range of programs, services, and activities designed to reduce violence, including programs to address youth violence prevention and intervention in K–12 schools and homeless outreach and intervention efforts.</li> <li>Requires a public safety collaborative to distribute at least 60% of the funds to one or more community-based organizations to assist with violence prevention, intervention, and suppression activities.</li> </ul>	5/18/23 Held in committee and under submission  4/26/23 From committee: Do pass and re-refer to Com. on APPR with recommendation: To Consent Calendar (Ayes 5. Noes 0.)
SB 274 (Skinner)	<ul> <li>SUSPENSIONS AND EXPULSIONS: WILLFUL DEFIANCE</li> <li>Extends the prohibition against the suspension and expulsion of students in K-8, K-12, for disrupting school activities or willfully defying the valid authority of school personnel to all grades, indefinitely, but would retain a teacher's authorization to suspend any student from class for willful defiance and prohibit the suspension or expulsion of a student based solely on the fact that they are truant, tardy, or otherwise absent from school activities.</li> <li>Ends suspension for defiance</li> <li>Ends suspensions/expulsions for tardiness and truancy</li> <li>Keeps youth in school and connect to supports</li> <li>Protects students impacted by harsh punishment</li> </ul>	In Assembly 5/18/23 Referred to Com. on ED 5/11/23 Read third time. Passed (Ayes 36. Noes 3.) Ordered to Assembly
SB 448 (Becker)	<ul> <li>JUVENILES: DETENTION HEARINGS (EQUITY FOR YOUTH DETENTION ACT)</li> <li>Requires youth detained in a county outside of their home county must receive the same consideration for the least restrictive alternatives to detention that are given to youth who are detained in their county of residence.</li> </ul>	In Assembly 5/11/23 Referred to Com. on PUB. S.  5/1/23 Read third time. Passed. (Ayes 37. Noes 0.). Ordered to Assembly
SB 519 (Atkins)	<ul> <li>CORRECTIONS</li> <li>Requires a board of supervisors exercising the authority to establish a department of corrections and rehabilitation to set forth its reasons for doing so. This new department would have jurisdiction over local detention facilities and personnel engaged in the punishment, care or treatment of incarcerated persons.</li> <li>Specifically includes fire camps within the jurisdiction of the department of corrections and rehabilitation.</li> <li>Requires the executive officer appointed by the board to head the department of corrections and rehabilitation to meet specified qualifications and to assume specified duties over county jails.</li> </ul>	5/23/23 Sen 3 <sup>rd</sup> Reading File Senate Bills 5/18/23 Read second time. Ordered to third reading

Revises the provision requiring the sheriff to take charge of and be the sole and exclusive authority to keep the
county jail and the incarcerated persons to state that the provision does not apply in counties that have
established a department of corrections and rehabilitation pursuant to the authority described above.

• Expands the Board of State and Community Corrections mission to include the promotion of legal and safe conditions for youth, inmates, and staff in local detention facilities. (*Original bill language*)

5/18/23 From committee: Do pass (Ayes 5. Noes 0.)

**Note:** The original bill expanded BSCC's mission. The amended bill would grant county supervisors the authority to assume control of local detention facilities. **Local detention facilities** covered by the bill include those that **hold both adults and minors - not local detention facilities holding only minors.** 

# **SB 545** (Rubio)

#### JUVENILES: TRANSFER TO COURT OF CRIMINAL JURISDICTION

- Imposes a ban on the transfer of a juvenile to the jurisdiction of the criminal court, where the court finds by clear and convincing evidence that the juvenile who is the subject of the transfer proceeding has been trafficked. If the court has already ordered the transfer, and the court then finds by clear and convincing evidence that the juvenile has been trafficked, sexually abused or sexually battered by the alleged victim, the case must be remanded back to the juvenile court for further proceedings.
- Specifies additional factors that the juvenile court can consider when evaluating the minor's criminal sophistication when determining whether to transfer a matter to a court of criminal jurisdiction.
- Requires the court to consider evidence offered that indicates that the person against whom the minor is accused of committing an offense trafficked, sexually abused, or sexually battered the minor when considering the circumstances and gravity of the offense alleged in the petition to have been committed by a minor.
- Existing law authorizes a person whose case was transferred from juvenile court to a court of criminal jurisdiction to file a motion to return the case to juvenile court for disposition under specified circumstances, including, among others, when the person is convicted at trial only of an offense that was not the basis for transfer from juvenile court to the criminal court, as specified.
  - This bill would require a court of criminal jurisdiction to return a case to juvenile court for disposition
    pursuant to these provisions if the court finds by clear and convincing evidence that the person against
    whom the minor is accused of committing an offense trafficked sexually abused, or sexually battered
    the minor.

By increasing the number of minors that may be retained under the jurisdiction of the juvenile court, thereby increasing the number of minors who are entitled to county-funded rehabilitative services, this bill would impose a state-mandated local program.

#### To Assembly

5/22/23 Read third time. Passed. (Ayes 36. Noes 0). Ordered to Assembly

CD 7C4	ACCESS TO HIVENIUS DECORDS	5/10/22 Hold :
SB 761 (Laird)	<ul> <li>ACCESS TO JUVENILE RECORDS</li> <li>Permits the Department of Justice to access a juvenile case file during an investigation relating to a civil rights</li> </ul>	5/18/23 Held in committee and under submission
(=011-07)	violation.	
		Set for hearing 5/15/23
		E/2/22 Dood co cond time
		5/2/23 Read second time and amended. Re-referred
		to Com. on APPR.
SB 762	LOCAL DETENTION FACILITIES: SAFETY CHECKS	In Assembly
(Becker)	Requires BSCC to revise minimum standards during the next regularly schedule review to require a local detection facility to include a precedure for affirming that an incorporated individual is alive during a sefety.	5/18/23 Referred to Com. on PUB S.
	detention facility to include a procedure for affirming that an incarcerated individual is alive during a safety check.	OII PUB 3.
		5/11/23 Read third time.
		Passed (Ayes 39. Noes 0.)
		Ordered to the Assembly
SB 852	SEARCHES: SUPERVISED PERSONS	In Assembly
(Rubio)	• Intent is to remove the ambiguity under existing law and make it clear that ICE employees are not peace officers	5/18/23 Referred to Com.
	and cannot conduct probation searches and seizures.	on PUB S.
	Clarifies that a search of a person who is granted probation and subject to search or seizure must be performed  and the appropriate of the person of t	5/11/23 Read third time.
	<ul> <li>only by a probation officer or other peace officer.</li> <li>Clarifies that the person designated by the correctional administrator must be a probation officer or other peace</li> </ul>	Passed (Ayes 39. Noes 0.)
	officer.	Ordered to the Assembly
	TRAILER BILLS	
	I WHILLY DILLS	
	JUVENILE JUSTICE REALIGNMENT BLOCK GRANT TECHNICAL CLARIFICATION – JUVENLE COURT AND PROBATION	Updated 5/12/23
	STATISTICAL SYSTEM SEARCH PARAMETERS	
	Amends WIC Section 1991 – For the purposes of determining the by-county distribution of juveniles adjudicated for cortain violent and serious follows gripps sets grips; the data groups for the luvenile Court and Probation.	
	for certain violent and serious felony crime categories, the data query for the Juvenile Court and Probation Statistical System must utilize the following parameters:	
	A. Select Action Type = Court	
	B. Select Offense Level = Felony	
	C. Select Offense = Assault, Forcible Rape, Homicide, Kidnapping, Lewd or Lascivious Felony, Manslaughter	
	Non-Vehicular, Other Sex Felony, Robbery	

	D. Select Sustained Offense Level = Felony	
	<ul> <li>JUVENILE DETENTION FACILITIES – INSPECTIONS FOR SUITABILITY FOR SECURE YOUTH TREATMENT FACILITIES,</li> <li>CAMPS, AND RANCHES</li> <li>Amends WIC Section 209</li> <li>Changes minor to juvenile</li> <li>Adds camp, ranch, secure youth treatment facility to language</li> </ul>	Updated 5/12/23
	<ul> <li>SIGHT/SOUND SEPARATION CLEAN-UP TRAILER BILL LANGUAGE</li> <li>SEC 1 – It is the intent of the Legislature to clarify the circumstances in which youth who are age 18 or older may have sight or sound contact with youth under the age of 18 when detained in juvenile halls, special purpose juvenile halls, ranches and camps, and secure youth treatment facilities</li> <li>SEC 2 – Adds clarifying language</li> </ul>	Updated 5/12/23
	FAILED PASSAGE	
AB 1582 (Dixon)	<ul> <li>Eliminates the requirement that a juvenile's most recent offense be one of the violent/serious offenses in WIC section 707 (b) in order for that juvenile to be committed to a secure youth treatment facility.</li> <li>Author's Statement: According to the author, "There are a series of criteria that must be met in order for a juvenile to be committed to a Secure Youth Treatment Facility (SYTF). AB 1582 would remove the requirement that the triggering offense be the most recent offense for which the juvenile has been adjudicated. AB 1582 is needed to correct inaccuracy in current code. The elimination of §875(a)(2) will not result in an increased number of individuals being committed to SYTF, rather, it will comport with the overall intent of SB 823 fostering positive youth development, promoting public and community safety and offering fair and flexible terms of commitment."</li> </ul>	4/11/23 Assembly In committee: Set, first hearing. Failed passage. Reconsideration granted.

### **2023 LEGISLATIVE CALENDAR**

- May 19 Last day for fiscal committees to hear and report to the Floor bills introduced in their house (J.R. 61(a)(5)).
  - o Last day for fiscal committees to meet prior to June 5 (J.R. 61(a)(6)).
- May 30 June 2, 2023 Floor session only. No committee may meet for any purpose except Rules Committee, bills referred pursuant to A.R. 77.2, and Conference Committees (J.R. 61(a)(7)).
- June 2 Last day for each house to pass bills introduced in that house (J.R. 61(a)(8)).
- June 5 Committee meetings may resume (J.R. 61(a)(9)).
- June 15 Budget Bill must be passed by midnight (Art. IV, Sec. 12(c)(3)).

- July 14 Summer Recess begins upon adjournment, provided Budget Bill has been passed (J.R. 51(a)(3)).
  - o Last day for policy committees to meet and report bills (J.R. 61(a)(10)).
- August 14 Legislature reconvenes from Summer Recess (J.R. 51(a)(3))
- September 1 Last day for fiscal committees to meet and report bills (J.R. 61(a)(11))
- **September 5** 14, 2023 Floor Session **Only.** No committee may meet for any purpose except Rules Committee, bills referred pursuant to Assembly Rules 77.2 and Conference Committees (J.R. 61(a)(12)
- September 8 Last day to amend bills on the floor (J.R. 61(a)(13)
- September 14 Interim Recess begins upon adjournment (J.R. 51(a)(4))
  - Last day for each house to pass bills (J.R. 61(a)(14))
- October 14 Last day for Governor to sign or veto bills passed by the Legislature before Sept. 14 and in the Governor's possession on or after Sept. 1 (Art. IV, Sec 10(b)(1)