



**CSAC Legislative Conference
Administration of Justice Policy Committee Meeting
Wednesday, April 21, 2021 · 1:45 – 2:45 pm**

[Via Zoom](#)

**Meeting ID: 864 546 5197; Passcode: 129932
(669) 900-6833, 8645465197#**

**Supervisor Kelly Long, Ventura County, Chair
Supervisor Damon Connolly, Marin County, Vice Chair
Supervisor Susan Ellenberg, Santa Clara County, Vice Chair**

Agenda

- 1:45 pm I. Welcome and Introductions**
Supervisor Kelly Long, Ventura County, Chair
Supervisor Damon Connolly, Marin County, Vice Chair
Supervisor Susan Ellenberg, Santa Clara County, Vice Chair
- 1:50 pm II. SB 823 (Juvenile Justice Realignment) County Implementation**
- Cross County and Probation Department Collaboration
- 2:25 pm III. SB 823 State-level Developments and Implementation
Governor’s Office, Health and Human Services Agency, and
DJJ: Legislative Update, Status of the Division of Juvenile
Justice, and Establishment of the Office of Youth and
Community Restoration**
- Jessica Devencenzi, Deputy Legislative Secretary,
Governor’s Office
 - Stephanie Welch, Deputy Secretary of Behavioral Health,
California Health and Human Services Agency
- 2:40 pm IV. Informational Item without Presentation: Legislative Update**
Attachment: Memo on Administration of Justice Legislation
- 2:45 pm V. Adjourn**

ATTACHMENTS

SB 823 (Juvenile Justice Realignment) County Implementation

Attachment One.....SB 823 Executive Summary

SB 823 State-level Developments and Implementation

Attachment Two.....Office of Youth and Community Restoration Budget
Change Proposal

Attachment ThreeSenate Bill 92 (Committee on Budget & Fiscal Review)
Legislation

Informational Item without Presentation: Legislative Update

Attachment Four.....Memo on Administration of Justice (AOJ) Legislation

SB 823 (Juvenile Justice Realignment) County Implementation
Attachment One
SB 823 Executive Summary

Brief Summary of Provisions ([SB 823, 2020](#))

Close State Level Division of Juvenile Justice

- Closes intake July 1, 2021 as long as an allocation is being provided to counties.
- Allows a court – until DJJ is closed – to commit any ward for whom a motion to transfer to criminal court was filed as long as the youth is otherwise eligible to be committed to DJJ under existing law.
- Charges counties \$125,000 annually for each youth committed to DJJ after July 1, 2021 (unless the youth is 23 years or older).

New State-level Oversight for Youth and Community Restoration

- Establishes the Office of Youth and Community Restoration (OYCR) within the state's Health and Human Services Agency (HHSA), effective July 1, 2021.
- Confers OYCR various responsibilities, including:
 - Identifying and disseminating best practices for the provision of rehabilitative and restorative resources to youth.
 - Providing concurrence on all youth related grants administered by the Board of State and Community Corrections (BSCC).
 - Assuming all BSCC juvenile grant functions by January 2025.
 - Providing for a new state-level ombudsman for youth in the juvenile justice system with investigatory authority, although not operationally defined.
- Requires OYCR to evaluate the efficacy of local programs being utilized for realigned youth and report its findings to the Governor and Legislature no later than July 1, 2025.

Child Welfare Council/Stakeholder Involvement

- Continues Youth Justice Committee within HHSA's Child Welfare Council until July 2023 to assist in planning.
- Charges Youth Justice Committee with advising and providing recommendations related to policies, programs, and approaches that improve youth outcomes, reduce youth detention, and reduce recidivism for the realigned population.

Funding and Accountability

- Statewide funding: \$225,000 per estimated youth statewide to the county Board of Supervisors to provide appropriate rehabilitation and supervision.
- Allocation of statewide funding to counties:
 - \$250,000 per county minimum
 - For fiscal years 2021-22 through 2023-24, per-county allocation derived by formula:
 - 30% on the per-county percentage of the average number of wards committed to the Department of Corrections and Rehabilitation, Division of Juvenile Justice, as of December 31, 2018; June 30, 2019; and December 31, 2019;

- 50% on the by-county distribution of juveniles held in county facilities for certain violent and serious felony crime categories per 2018 Juvenile Court and Probation Statistical System (JCPSS) data, updated annually based on the most recently available data; and
- 20% on the by-county distribution of all individuals between ages 10 and 17 from the preceding calendar year.
 - Requires the Governor and Legislature to work with stakeholders by January 2024 for an allocation methodology starting in 2024-25.
- Establishes a subcommittee of the local juvenile justice coordinating council within each county.
- Requires each county to establish a subcommittee of the juvenile justice coordinating council charged with developing the county's realignment plan.
- Provides for \$9.6 million in one-time facilities and planning grant funding to be awarded by the BSCC to assist counties in the development of a local continuum of care.

Protections

- Makes annual funding subject to statutory appropriation (does not require action as part of state budget process).
- Reverts responsibility for realigned youth back to state if annual funding, as specified in statute, is not appropriated.

Age of Jurisdiction

- Establishes the age of jurisdiction at age 23 for youth adjudicated of WIC 707(b) offenses and age 25 for youth adjudicated of offenses that would result in an aggregate sentence of 7 or more years in adult court.
- Establishes age of jurisdiction for all other youth at 21.

Creation of Secure Track for Realigned Population to Limit Adult Court Commits

- States legislative intent to create a separate jurisdictional track for "higher need youth" by March 2021.

Juvenile Justice Statewide Data Collection and Reporting

- Directs DOJ to convene a workgroup focused on how, and what would be required, to update the JCPSS.
- Requires workgroup plan to be presented to the Legislature by January 2023.
- Enumerates required components of the replacement plan in extensive detail, including timeline, a cost analysis, what the data should encompass, and what elements are to be examined.

SB 823 State-level Developments and Implementation
Attachment Two
Office of Youth and Community Restoration Budget Change Proposal

STATE OF CALIFORNIA
Budget Change Proposal - Cover Sheet
 DF-46 (REV 10/20)

Fiscal Year 2021/2022	Business Unit 0530	Department Health & Human Services Agency (CHHS)	Priority No. Click or tap here to enter text.
Budget Request Name 0530-029-BCP-2021-GB		Program 0286-Office of Youth Community Restoration (OYCR)	Subprogram Click or tap here to enter text.

Budget Request Description
 Office of Youth and Community Restoration

Budget Request Summary
 The California Health and Human Services (CHHS) Agency is requesting 19.0 permanent positions and \$3.4 in FY 2021/2022 and \$3.1 in ongoing General Fund to establish and operate the Office of Youth and Community Restoration (OYCR).

Requires Legislation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Code Section(s) to be Added/Amended/Repealed Click or tap here to enter text.	
Does this BCP contain information technology (IT) components? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>If yes, departmental Chief Information Officer must sign.</i>	Department CIO Click or tap here to enter text.	Date Click or tap to enter a date.

For IT requests, specify the project number, the most recent project approval document (FSR, SPR, S1BA, S2AA, S3SD, S4PRA), and the approval date.

Project No. Click or tap here to enter text. **Project Approval Document:** Click or tap here to enter text.

Approval Date: Click or tap to enter a date.

If proposal affects another department, does other department concur with proposal? Yes No
Attach comments of affected department, signed and dated by the department director or designee.

Prepared By Stephanie Welch	Date Click or tap to enter a date.	Reviewed By Michelle Baass	Date Click or tap to enter a date.
Department Director Click or tap here to enter text.	Date Click or tap to enter a date.	Agency Secretary Dr. Mark Ghaly	Date Click or tap to enter a date.

Department of Finance Use Only

Additional Review: Capital Outlay ITCU FSCU OSAE Dept. of Technology

PPBA Sydney Tanimoto	Date submitted to the Legislature 1/10/2021
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Analysis of Problem

A. Budget Request Summary

The California Health and Human Services (CHHS) Agency requests 19.0 positions and \$3.4 General Fund in FY 2021-2022 and \$3.1 ongoing General Fund to establish and operate the Office of Youth and Community Restoration (OYCR) authorized by SB 823, Chapter 337, Statutes of 2020.

B. Background/History

The California Department of Corrections and Rehabilitation (CDCR), Division of Juvenile Justice (DJJ) houses California's youthful offenders up to the age of 25 who have the most serious criminal offenses and most intense treatment needs. The DJJ provides academic and vocational education (including high school diplomas and GEDs), face-to-face college courses, treatment programs that address violent and criminogenic behavior, and programs that address sexually abusive behavior, substance abuse, and mental health.

Senate Bill 94, Chapter 25, Statutes of 2019 moved DJJ from CDCR to the California Health and Human Services Agency (CHHS) as a new Department of Youth and Community Corrections, effective July 1, 2020. It also created a juvenile justice subcommittee to the Child Welfare Council to advise on the transition. However, this proposal was subsequently withdrawn, and the Legislature approved Senate Bill 823.

SB 823, Chapter 337, Statutes of 2020 repealed previous provisions that would have created the Department of Youth and Community Restoration and the provisions that would have transferred the responsibilities of the Division of Juvenile Justice (DJJ) to CHHS. This statute established the OYCR within CHHS, effective July 1, 2021.

Moving forward with the transition of justice involved youth being served in local communities, the OYCR will promote trauma responsive, culturally informed services for youth involved in the juvenile justice system that support the youths' successful transition into adulthood and help them become responsible, thriving, and engaged members of their communities. Responsibilities of the OYCR include identifying and disseminating best practices and assessing the efficacy of local programs. The OYCR will also review local Juvenile Justice Realignment Grants and develop policy recommendations to improve outcomes and integrate programs and services to support delinquent youth.

To further support the transition, SB 823 directed the juvenile justice subcommittee of the Children Welfare Council to advise and provide recommendations to the OYCR related to the policies, programs and approaches that improve youth outcomes, reduce youth detention, and reduce recidivism. This OYCR will providing staffing support to elicit, examine and operationalize the expertise of subcommittee members.

C. State Level Consideration

The Governor's January Budget in 2019 proposed to transfer the Division of Juvenile Justice (DJJ) to a newly created independent department within the Health and Human Services Agency (HHSA) on July 1, 2020 called the Department of Youth and Community Restoration. That approach was intended to align the rehabilitative mission of the state's juvenile justice system with trauma-informed and developmentally appropriate services supported by programs overseen by the state's Health and Human Services Agency. In 2020 it was determined that such a shift in practices would be most effective if consistent with previous efforts to reform the state's juvenile justice system. Therefore with appropriate state guidance and support, the responsibility for

managing all youthful offenders should be transferred to local jurisdictions. The resources in this proposal further those efforts to reform the state's juvenile justice system.

D. Justification

Over the past few decades, there has been significant new research on effective programs to improve juvenile justice outcomes. This body of research has provided a framework for reform highlighting the important need to distinguish between adult corrections and juvenile strategies. Most importantly, research has highlighted that an overreliance on "get-tough" policies and altering the juvenile justice system to be like the adult corrections system is not effective in promoting growth or reducing recidivism.

Research has pointed to using strategies ground in the delivery of health and social services that can reduce the impact and experience of multiple traumas. Adolescents up to the age of 25 are less able to self-regulate and problem-solve effectively, especially in emotionally heightened situations. Implementing developmental strategies, not correctional strategies, is important to meeting the needs of both public safety and the youth's healthy development.

Traumatic experiences such as abuse or neglect have a profound effect on development, behavior, emotional functioning, cognition, and relationships. Most youth involved with the juvenile justice system have experienced multiple traumas, often in early childhood, and reoccurring over a long period. In fact, 93 percent of juvenile offenders reported one or more traumatic experiences.

Evidence has demonstrated that justice-system involved youth are more successful when they remain connected to their families and communities. Justice system-involved youth who remain in their communities have lower recidivism rates and are more prepared to manage the life events that take them into adulthood.

With the transition to county-based custody, care and supervision of youth who would have otherwise been eligible for commitment to DJJ, establishing the OYCR at CHHS better aligns with research and best practices that focus on rehabilitation and support the delivery of trauma-informed and developmentally appropriate services to youth and young adults in juvenile justice system.

The mission of CHHS is to afford at-risk and disadvantaged populations the opportunity to enjoy a high quality of life measured by strong families, safe communities, and sound physical, mental, and financial health. CHHS is committed to achieving these goals through collaboration and innovation and using data to drive action. Housing the OYCR at CHHS with its scope of departmental focus offers enhanced support for local systems to use best practices across many domains including behavioral health and social services, as well as provide enhanced tracking of resources and improved partnerships with local agencies.

Responsibilities of the OYCR:

The OYCR will provide essential services to ensure the long-term and sustained success of transitioning realigned youth to county-based custody, programs and supervision. To quickly launch successful efforts the Child Welfare Council re-established the juvenile justice subcommittee to advise and provide recommendations to the OYCR related to the policies, programs and approaches that improve youth outcomes, reduce youth detention, and reduce recidivism.

The foundation of the OYCR is to be informed and driven by research and data. In doing so, the Office can effectively identify and disseminate best practices to help inform rehabilitative and restorative youth practices, including education, diversion re-entry, religious and victims' services. The OYCR will offer technical assistance to local implementers advising on how to achieve outcomes and system improvements. The office will include an ombudsman to receive and assess complaints and provide reports to the legislature that comply with all confidentiality laws.

Once data becomes available as a result of the plan developed by the Department of Justice for the replacement of the Juvenile Court and Probation Statistical System, the Office will develop a report on youth outcomes in the juvenile justice system and report annually on the work of the OYCR. Data analysis and assessment will inform the development of policy recommendations that will lead to improved outcomes and integrated programs and services to best support justice system-involved youth.

The OYCR has the significant responsibility to review county plans of the Juvenile Justice Realignment Block Grant. This program provides state general funds for county based custody, care, and supervision of youth who are realigned from DJJ or who were otherwise eligible for commitment to the DJJ prior to its closure. The Justice Realignment Block Grant makes appropriations which are then adjusted to reflect a minimum county payment of \$250,000. This brings the total estimated county funding to: \$45,677,000 in 2021-22; \$122,185,000 in 2022-23, and \$199,220,000 in 2023-24. Funding will be allocated to counties through an allocation schedule developed by Finance, based on a formula of 30 percent of the per-county percentage of the average number of wards committed to DJJ, 50 percent of the by-county distribution of juveniles adjudicated for certain violent and serious felony crimes, and 20 percent of the by-county distribution of all persons between 10 and 17 years of age, inclusive, from the previous calendar year.

This formula will remain in place, with allowance for specified adjustments, through fiscal year 2023-24, after which point the methodology will be reevaluated by the Legislature and Governor by January 10, 2024. Commencing in 2024-25 allocations will be adjusted annually by a rate commensurate with any applicable growth in the Juvenile Justice Growth Special Account in the prior year fiscal year. Each year this growth shall become additive to the next years' base allocation.

In order to receive FY 2022-23 funding, counties must file a plan with OYCR by January 1, 2022. In order to continue receiving funding, counties must reconsider the plan every third year, but at a minimum submit the most recent plan regardless of changes by May 1 of each year.

Plan development and review is comprehensive. OYCR is to review plans to ensure they include the following elements:

- A description of the realigned target population including the numbers of youth served the programs, placements, or facilities to which they are referred.
- A description of the facilities, programs, placements, services and service providers, supervision, and other responses that will be provided to the target population.
- A description of how grant funds will be applied to address each of the following areas of need or development for realigned youth:
 - Mental health, sex offender treatment, or related behavioral or trauma-based needs.

- Support programs or services that promote the healthy adolescent development.
 - Family engagement in programs.
 - Reentry, including planning and linkages to support employment, housing, and continuing education.
 - Evidence-based, promising, trauma-informed, and culturally responsive.
 - Whether and how the plan will include services or programs for realigned youth that are provided by nongovernmental or community-based providers.
- A detailed facility plan indicating which facilities will be used to house or confine realigned youth at varying levels of offense severity and treatment need, and improvements to accommodate long-term commitments.
 - A description of how the plan will incentivize or facilitate the retention of realigned youth within the jurisdiction and rehabilitative foundation of the juvenile justice system in lieu of transfers of realigned youth into the adult criminal justice system.
 - A description of any regional agreements or arrangements to be supported by the block grant allocation pursuant to this chapter.
 - A description of how data will be collected on the youth served and outcomes for youth served by the block grant program, including a description the outcome measures that will be utilized to measure or determine the results of programs and interventions supported by block grant funds.

Staffing: 19 Full Time Employees

In addition to responsibilities in annual data reporting, policy analysis, best practices dissemination and staffing the ombudsman and the juvenile justice subcommittee, the OCYR is solely responsible for reviewing all 58 county plans thoroughly and with the necessary subject matter expertise to ensure that the plan contains all necessary elements listed above. The OCYR will provide technical assistance and may return the plan to the county for revision as necessary prior to final acceptance of the plan. The OCYR must prepare and make available to the public on its internet website a summary and a copy of all 58 annual county plans submitted.

Executive Office – Executive Director/CEA C (1.0), Attorney III (1.0), SSA/AGPA (2.0), and IST I (1.0)

The OYCR Executive Director will be responsible for executing all of the responsibilities of the Office that have been outlined above. The Executive Director will be the primary liaison to policymakers and critical stakeholders and local partners responsible for implementation of the transition. The Executive Director will co-chair the juvenile justice subcommittee of the Child Welfare Council. The Attorney III, with guidance from CHHS Chief Counsel, will work with the Executive Director as lead legal advisor for the OYCR on sensitive policy issues, legislation, regulatory compliance, and policies and procedures. SSA/AGPA (1.0) will provide administrative support to the Executive Director such as drafting, revising and reviewing Office correspondence, scheduling, ensuring policy and procedural compliance and researching confidential and sensitive departmental or program issues. The SSA/AGPA (1.0) will perform administrative duties to support the entire Office such as personnel compliance and payroll, communication management such as website content and newsletters, and administrative support for the

juvenile justice subcommittee of the Child Welfare Council. The IST I (1.0) will provide intermediate functional and technical expertise in support of complex contract and project management to support the Office execute its responsibilities.

Policy, Research & Operations Unit - SSM II (1.0) SMM I (1.0) RDS II (1.0), AGPA (3.0) and OT (1.0)

Under the direction of the OYCR Executive Director, the SSM II (1.0) oversees the responsibilities of the Policy, Research and Operations Unit which uses research and data to effectively identify and disseminate best practices to help inform rehabilitative and restorative youth practices. In addition the unit is responsible for assessing the impact of local programs and developing policy recommendations to further improve outcomes for justice system-involved youth. Outputs of the unit include data reports, annual reports from the Ombudsman, and policy and best practices reports to further inform effective strategies to prevent the incarceration of youth. The SSM I (1.0) will report to the SSM II and supervise all staff, ensuring compliance with personnel policies and procedures. The RDS II (1.0) is the lead for executing the Office's annual data report and is responsible for planning, organizing and conducting research studies and performance outcome projects. The RDS II interprets data applying appropriate research methodologies and provides subject matter expertise on research, evaluation and data strategies for the Office. Under the guidance of the SSM II with supervision from the SSM I the AGPAs (3.0) will be responsible for executing the duties of the Ombudsman, staffing the juvenile justice subcommittee of the Child Welfare Council, and identifying and disseminating best practices. The OT (1.0) will provide clerical support for the unit, including managing correspondence, maintaining office files, managing calendars and scheduling meetings.

County Coordination Unit – SSM II (1.0) SSM I (3.0) AGPA (2.0) and OT (1.0)

Under the direction of the OYCR Executive Director, the SSM II leads a team of county liaisons to support the successful review and approval of the 58 county plans associated with the Realignment Block Grant Program. The staff also act as the primary points of contact for technical assistance and other necessary correspondence and support to local implementation partners. Each SSM I (3.0) will be assigned a proportion of counties to work with regularly on plan development and review. The SSM I will receive needed additional support from AGPAs (2.0) on collecting and assessing trends in technical assistance needs, and identify strategies to improve and expedite plan development, submission and review. The unit will be responsible for assessing the efficacy of the programs in collaboration with the Policy, Research and Operations Unit, as well as, identifying lessons learned from the field. The SSM II will be responsible for employing quality improvement strategies to ensure effective plan review processes. The OT (1.0) will provide clerical support for the unit, including managing correspondence, maintaining office files, scheduling meetings and coordinating with the IST I on compliance with county plan transparency.

Contract funds will be used to acquire necessary subject matter expertise for training on the evolving science of adolescent development, the complex impact of trauma, and research and evaluation that identifies new best practices to prevent future and substantial criminal justice and system involvement. Subject matter expertise will further advise on complex methodologies, data linkage and analysis to support enhanced research and evaluation efforts.

E. Outcomes and Accountability

The outcome of this proposal will be to establish the Office of Youth and Community Restoration, to report annually on the work of the Office and to evaluate the efficacy of local programs being utilized for aligned youth to the Governor and legislature no later than July 1, 2025 and on-going as required by SB 823, Chapter 337, Statutes of 2020.

F. Analysis of All Feasible Alternatives

SB 823, Chapter 337, Statutes of 2020, requires CHHS to establish and operate OYCR effective July 1, 2021.

G. Implementation Plan

SB 823, Chapter 337, Statutes of 2020, establishes the Office of Youth and Community Restoration on July 1, 2021. The following will be accomplished in FY 2021-22

FY 21-22: Recruit and hire staff, develop and establish protocols, continue meeting with juvenile justice subcommittee of the Child Welfare Council, meet and collaborate with key stakeholders and local implementation partners

FY 21-22: Train staff, establish IT and quality improvement systems, develop plan templates and review protocols, analyze and classify best practices for county distribution to support plan development, study and develop necessary reporting templates, provide technical assistance for plan submission

FY 21-22: County plans submitted for the 2022-23 FY for review, implement review and assessment protocols, identify and research best practices

FY 21-22: Complete the 1st round of plan review, complete 1st annual report, produce 1st set of policy recommendations and disseminate best practices

H. Supplemental Information

Click or tap here to enter text.

I. Recommendation

Approve to establish the OYCR within CHHS

BCP Fiscal Detail Sheet

BCP Title: Office of Youth and Community Restoration

BR Name: 0530-029-BCP-2021-GB

Budget Request Summary

Personal Services

Personal Services	FY21 Current Year	FY21 Budget Year	FY21 BY+1	FY21 BY+2	FY21 BY+3	FY21 BY+4
Positions - Permanent	0.0	19.0	19.0	19.0	19.0	19.0
Total Positions	0.0	19.0	19.0	19.0	19.0	19.0
Salaries and Wages Earnings - Permanent	0	1,492	1,492	1,492	1,492	1,492
Total Salaries and Wages	\$0	\$1,492	\$1,492	\$1,492	\$1,492	\$1,492
Total Staff Benefits	0	881	881	881	881	881
Total Personal Services	\$0	\$2,373	\$2,373	\$2,373	\$2,373	\$2,373

Operating Expenses and Equipment

Operating Expenses and Equipment	FY21 Current Year	FY21 Budget Year	FY21 BY+1	FY21 BY+2	FY21 BY+3	FY21 BY+4
5301 - General Expense	0	171	50	50	50	50
5302 - Printing	0	2	2	2	2	2
5304 - Communications	0	21	21	21	21	21
5320 - Travel: In-State	0	27	27	27	27	27
5322 - Training	0	19	19	19	19	19
5324 - Facilities Operation	0	295	70	70	70	70
5340 - Consulting and Professional Services - External	0	500	500	500	500	500
5346 - Information Technology	0	25	25	25	25	25
Total Operating Expenses and Equipment	\$0	\$1,060	\$714	\$714	\$714	\$714

Total Budget Request

Total Budget Request	FY21 Current Year	FY21 Budget Year	FY21 BY+1	FY21 BY+2	FY21 BY+3	FY21 BY+4
Total Budget Request	\$0	\$3,433	\$3,087	\$3,087	\$3,087	\$3,087

Fund Summary

Fund Source

Fund Source	FY21 Current Year	FY21 Budget Year	FY21 BY+1	FY21 BY+2	FY21 BY+3	FY21 BY+4
State Operations - 0001 - General Fund	0	3,433	3,087	3,087	3,087	3,087
Total State Operations Expenditures	\$0	\$3,433	\$3,087	\$3,087	\$3,087	\$3,087
Total All Funds	\$0	\$3,433	\$3,087	\$3,087	\$3,087	\$3,087

Program Summary

Program Funding

Program Funding	FY21 Current Year	FY21 Budget Year	FY21 BY+1	FY21 BY+2	FY21 BY+3	FY21 BY+4
0286 - Office of Youth and Community Restoration	0	3,433	3,087	3,087	3,087	3,087
Total All Programs	\$0	\$3,433	\$3,087	\$3,087	\$3,087	\$3,087

Personal Services Details

Positions

Positions	FY21 Current Year	FY21 Budget Year	FY21 BY+1	FY21 BY+2	FY21 BY+3	FY21 BY+4
- (Eff. 07-01-2021)	0.0	1.0	1.0	1.0	1.0	1.0
1139 - Office Techn (Typing) (Eff. 07-01-2021)	0.0	2.0	2.0	2.0	2.0	2.0
1402 - Info Tech Spec I (Eff. 07-01-2021)	0.0	1.0	1.0	1.0	1.0	1.0
4800 - Staff Svcs Mgr I (Eff. 07-01-2021)	0.0	3.0	3.0	3.0	3.0	3.0
4801 - Staff Svcs Mgr II (Supvry) (Eff. 07-01-2021)	0.0	2.0	2.0	2.0	2.0	2.0
5157 - Staff Svcs Analyst (Gen) (Eff. 07-01-2021)	0.0	3.0	3.0	3.0	3.0	3.0
5393 - Assoc Govtl Program Analyst (Eff. 07-01-2021)	0.0	5.0	5.0	5.0	5.0	5.0
5780 - Atty IV (Eff. 07-01-2021)	0.0	1.0	1.0	1.0	1.0	1.0
7500 - C.E.A. (Eff. 07-01-2021)	0.0	1.0	1.0	1.0	1.0	1.0
Total Positions	0.0	19.0	19.0	19.0	19.0	19.0

Salaries and Wages

Salaries and Wages	FY21 Current Year	FY21 Budget Year	FY21 BY+1	FY21 BY+2	FY21 BY+3	FY21 BY+4
- (Eff. 07-01-2021)	0	77	77	77	77	77
1139 - Office Techn (Typing) (Eff. 07-01-2021)	0	86	86	86	86	86
1402 - Info Tech Spec I (Eff. 07-01-2021)	0	92	92	92	92	92
4800 - Staff Svcs Mgr I (Eff. 07-01-2021)	0	243	243	243	243	243
4801 - Staff Svcs Mgr II (Supvry) (Eff. 07-01-2021)	0	178	178	178	178	178
5157 - Staff Svcs Analyst (Gen) (Eff. 07-01-2021)	0	175	175	175	175	175
5393 - Assoc Govtl Program Analyst (Eff. 07-01-2021)	0	351	351	351	351	351
5780 - Atty IV (Eff. 07-01-2021)	0	138	138	138	138	138
7500 - C.E.A. (Eff. 07-01-2021)	0	152	152	152	152	152
Total Salaries and Wages	\$0	\$1,492	\$1,492	\$1,492	\$1,492	\$1,492

Staff Benefits

Staff Benefits	FY21 Current Year	FY21 Budget Year	FY21 BY+1	FY21 BY+2	FY21 BY+3	FY21 BY+4
5150150 - Dental Insurance	0	9	9	9	9	9
5150350 - Health Insurance	0	155	155	155	155	155
5150450 - Medicare Taxation	0	22	22	22	22	22
5150500 - OASDI	0	93	93	93	93	93
5150600 - Retirement - General	0	464	464	464	464	464
5150750 - Vision Care	0	2	2	2	2	2
5150800 - Workers' Compensation	0	17	17	17	17	17
5150900 - Staff Benefits - Other	0	119	119	119	119	119
Total Staff Benefits	\$0	\$881	\$881	\$881	\$881	\$881

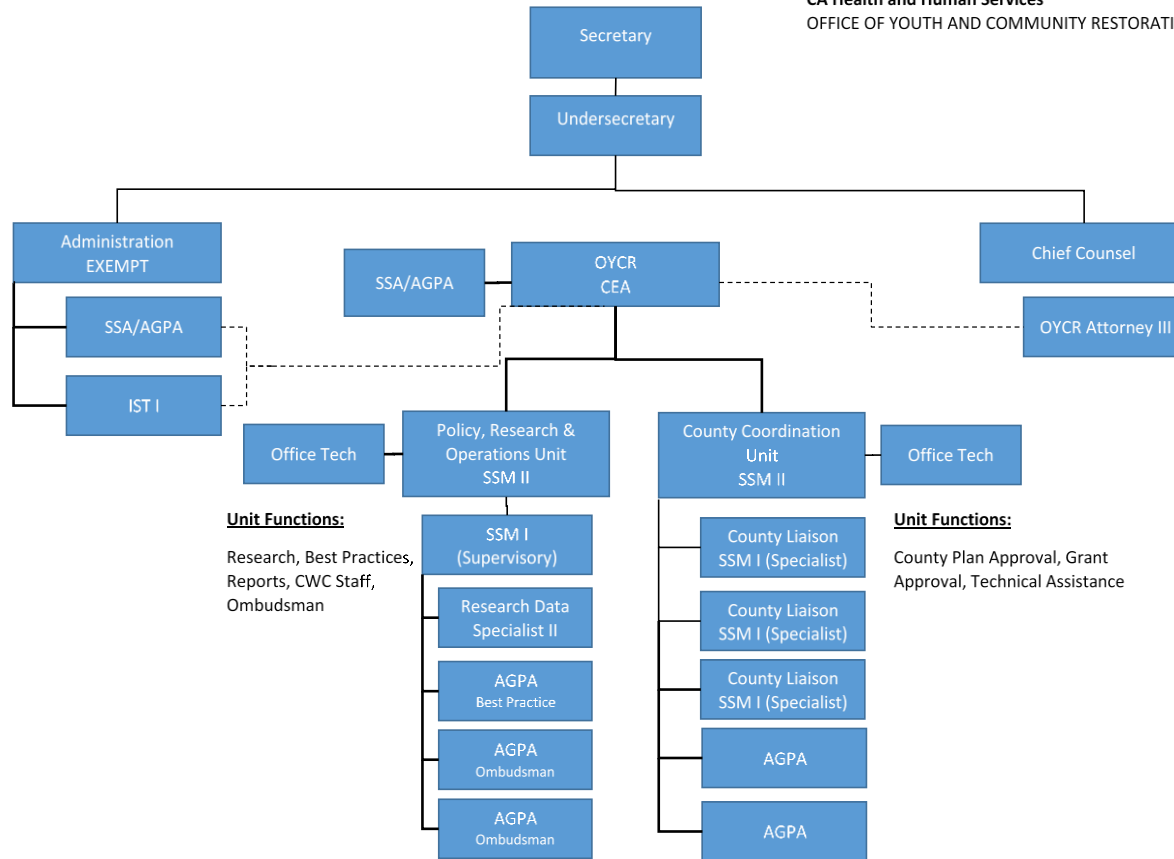
Total Personal Services

Total Personal Services	FY21 Current Year	FY21 Budget Year	FY21 BY+1	FY21 BY+2	FY21 BY+3	FY21 BY+4
Total Personal Services	\$0	\$2,373	\$2,373	\$2,373	\$2,373	\$2,373

Attachment 2: Organizational Chart

19 total PY's

CA Health and Human Services
OFFICE OF YOUTH AND COMMUNITY RESTORATION



SB 823 State-level Developments and Implementation
Attachment Three

Senate Bill 92 (Committee on Budget & Fiscal Review) Legislation

AMENDED IN ASSEMBLY APRIL 08, 2021

AMENDED IN ASSEMBLY FEBRUARY 17, 2021

CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

SENATE BILL

NO. 92

Introduced by *Committee on Budget and Fiscal Review*

December 16, 2020

An act to amend Section 3056 of the Penal Code, and to amend Sections 208, 208.5, 607, 726, 733.1, 736.5, 1731.5, 1731.6, 1752.1, 1752.15, 1767.35, 1991, and 2250 of, to amend and repeal Sections 704, 707.2, and 1731.7 of, to add Sections 731 and 779.5 to, and to add Article 23.5 (commencing with Section 875) to Chapter 2 of Part 1 of Division 2 of, the Welfare and Institutions Code, relating to juvenile justice, and making an appropriation therefor, to take effect immediately, bill related to the budget.

LEGISLATIVE COUNSEL'S DIGEST

SB 92, as amended, Committee on Budget and Fiscal Review. *Juvenile Justice.*

Existing law establishes the Division of Juvenile Justice within the Department of Corrections and Rehabilitation to operate facilities to house specified juvenile offenders. Existing law, commencing July 1, 2021, prohibits further commitment of wards to the Division of Juvenile Justice unless the ward is otherwise eligible to be committed to the division and a motion was filed to transfer the ward from the juvenile court to a court of criminal jurisdiction. Existing law requires that all wards committed to the division prior to July 1, 2021, remain within the custody of the division until the ward is discharged, released, or transferred.

This bill would require a court to consider, as an alternative to commitment to the Division of Juvenile Justice, placement in local programs established as a result of the realignment of wards from the Division of Juvenile Justice to county-based custody. This bill would require the Division of Juvenile Justice to close on June 30, 2023, and would require the Director of the Division of Juvenile Justice, by January 1, 2022, to develop a plan for the transfer of jurisdiction of youth remaining at the Division of Juvenile Justice who are unable to discharge or otherwise move pursuant to law prior to the division's final closure on June 30, 2023. The bill would make various other technical and conforming changes to implement the realignment of wards from the Division of Juvenile Justice to county-based custody.

This bill would, commencing July 1, 2021, allow counties to establish secure youth treatment facilities for wards who are 14 years of age or older who have been adjudicated and found to be a ward of the court based on an offense that would have resulted in a commitment to the Division of Juvenile Justice, as

provided. The bill would require the court to set a baseline term of confinement for the ward that is based on the most serious recent offense for which the ward has been adjudicated, as specified. The bill would additionally require the court to set a maximum term of confinement for the ward in a secure youth treatment facility and require the court, within 30 days of making the order of commitment, to receive, review, and approve an individual rehabilitation plan for the ward from the probation department and any other entity that is designated by the court for development of the plan. The bill would require the court to hold a progress review hearing for the ward not less frequently than once every 6 months during the term of confinement, as specified. The bill would authorize the court, at the conclusion of a progress review hearing, or at a separately scheduled hearing, to order a ward to be transferred from a secure youth treatment facility to a less restrictive program. The bill would, by July 1, 2023, require the Judicial Council to develop and adopt a matrix of offense-based classifications to be applied by the juvenile courts in all counties, as specified. The bill would prohibit a court from committing a juvenile to any juvenile facility for a period that exceeds the middle term of imprisonment that could be imposed upon an adult convicted of the same offense or offenses.

This bill would require the probation department to request the prosecuting attorney to petition the committing court for an order directing that the person remain subject to the control of the department at the time of discharge if the person confined is determined to be physically dangerous to the public because of the person's mental or physical condition, disorder, or other problem that causes the person to have serious difficulty controlling their dangerous behavior. The bill would establish the process for the petition, probable cause hearing, trial, continued detention, and appeal pursuant to this provision. The bill would require the Governor and the Legislature to work with stakeholders to develop language by July 1, 2021, that would replace these provisions with a commitment process that ensures the treatment, capacity, legal protections, and court procedures are appropriate, as specified.

Existing law establishes a Juvenile Justice Realignment Block Grant program to provide county-based custody, care, and supervision of youth who are realigned from the Division of Juvenile Justice or who would have otherwise been eligible for commitment to the division. Existing law requires the Department of Finance to allocate funds under this program by September 1 each year, beginning September 1, 2021, and provide a schedule of allocations to the Controller. Existing law requires the Controller to allocate the funds in monthly installments pursuant to a schedule that is the same as the schedule for allocations from the Youthful Offender Block Grant Special Account.

This bill would instead require the Department of Finance to allocate funds under this program by July 1 each year, beginning July 1, 2021, and would require the Controller to allocate the funds, consistent with the schedule provided by the Department of Finance, no later than August 1 of each year.

Existing law establishes the Adult Reentry Grant that is awarded by the Board of State and Community Corrections to support people formerly incarcerated in the state prison.

This bill would appropriate \$50,000 from the General Fund in 2021–22 fiscal year to the Adult Reentry Grant to support rental assistance programs, as specified.

This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Vote: majority Appropriation: yes Fiscal Committee: yes Local Program: **yesno**

The people of the State Of California do enact as follows:

SECTION 1. Section 3056 of the Penal Code is amended to read:

3056. (a) Prisoners on parole shall remain under the supervision of the department but shall not be returned to prison except as provided in subdivision (b) or as provided by subdivision (c) of Section 3000.09. A parolee awaiting a parole revocation hearing may be housed in a county jail while awaiting revocation proceedings. If a parolee is housed in a county jail, ~~he or she~~ *they* shall be housed in the county in which ~~he or she was~~ *they were* arrested or the county in which a petition to revoke parole has been filed or, if there is no county jail in that county, in the housing facility with which that county has contracted to house jail inmates. Additionally, except as provided by subdivision (c) of Section 3000.09, upon revocation of parole, a parolee may be housed in a county jail for a maximum of 180 days per revocation. When housed in county facilities, parolees shall be under the sole legal custody and jurisdiction of local county facilities. A parolee shall remain under the sole legal custody and jurisdiction of the local county or local correctional administrator, even if placed in an alternative custody program in lieu of incarceration, including, but not limited to, work furlough and electronic home detention. When a parolee is under the legal custody and jurisdiction of a county facility awaiting parole revocation proceedings or upon revocation, ~~he or she~~ *the parolee* shall not be under the parole supervision or jurisdiction of the department. Unless otherwise serving a period of flash incarceration, whenever a parolee who is subject to this section has been arrested, with or without a warrant or the filing of a petition for revocation with the court, the court may order the release of the parolee from custody under any terms and conditions the court deems appropriate. When released from the county facility or county alternative custody program following a period of custody for revocation of parole or because no violation of parole is found, the parolee shall be returned to the parole supervision of the department for the duration of parole.

(b) Inmates paroled pursuant to Section 3000.1 may be returned to prison following the revocation of parole by the Board of Parole Hearings until July 1, 2013, and thereafter by a court pursuant to Section 3000.08.

(c) ~~A~~ *Until July 1, 2021, a* parolee who is subject to subdivision (a), but who is under 18 years of age, may be housed in a facility of the Division of Juvenile ~~Facilities,~~ *Justice,* Department of Corrections and Rehabilitation.

SEC. 2. Section 208 of the Welfare and Institutions Code is amended to read:

208. (a) When any person under 18 years of age is detained in or sentenced to ~~any institution in which adults are confined,~~ *an adult facility, including a jail or other facility established for the purpose of confinement of adults,* it shall be unlawful to permit ~~such that~~ person to come or remain in contact with ~~such adults.~~ *adults confined there.*

(b) ~~No~~ *A* person who is a ward or dependent child of the juvenile court who is detained in or committed to any state hospital or other state facility shall *not* be permitted to come or remain in contact with any adult person who has been committed to any state hospital or other state facility as a mentally disordered sex offender under the provisions of Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of Division 6, or with any adult person who has been charged in an accusatory pleading with the commission of any sex offense for which registration of the convicted offender is required under Section 290 of the Penal Code and who has been committed to any state hospital or other state facility pursuant to Section 1026 or 1370 of the Penal Code.

(c) As used in this section, “contact” does not include participation in supervised group therapy or other supervised treatment activities, participation in work furlough programs, or participation in hospital recreational activities which are directly supervised by employees of the hospital, so long as living arrangements are strictly segregated and all precautions are taken to prevent unauthorized associations.

(d) This section shall be operative January 1, 1998.

SEC. 3. Section 208.5 of the Welfare and Institutions Code is amended to read:

208.5. (a) Notwithstanding any other law, any person whose case originated in juvenile court shall remain, if the person is held in secure detention, in a county juvenile facility until the person attains 25 years of age, except as provided in subdivisions (b) and (c) of this section and ~~paragraph (4) of subdivision (a) of~~ Section 731. *A person whose case originated in juvenile court but who was sentenced in criminal court shall not serve their sentence in a juvenile facility, but if not otherwise excluded, may remain in the juvenile facility until transferred to serve their sentence in an adult facility.* This section is not intended to authorize confinement in a juvenile facility where authority would not otherwise exist.

(b) The probation department may petition the court to house a person who is 19 years of age or older in an adult facility, including a jail or other facility established for the purpose of confinement of adults.

(c) Upon receipt of a petition to house a person who is 19 years of age or older in an adult facility, the court shall hold a hearing. There shall be a rebuttable presumption that the person will be retained in a juvenile facility. At the hearing, the court shall determine whether the person will be moved to an adult facility, and make written findings of its decision based on the totality of the following criteria:

(1) The impact of being held in an adult facility on the physical and mental health and well-being of the person.

(2) The benefits of continued programming at the juvenile facility and whether required education and other services called for in any juvenile court disposition or otherwise required by law or court order can be provided in the adult facility.

(3) The capacity of the adult facility to separate younger and older people as needed and to provide them with safe and age-appropriate housing and program opportunities.

(4) The capacity of the juvenile facility to provide needed separation of older from younger people given the youth currently housed in the facility.

(5) Evidence demonstrating that the juvenile facility is unable to currently manage the person's needs without posing a significant danger to staff or other youth in the facility.

(d) If a person who is ~~18~~ 19 to 24 years of age, inclusive, is removed from a juvenile facility pursuant to this section, upon the motion of any party and a showing of changed circumstances, the court shall consider the criteria in subdivision (c) and determine whether the person should be housed at a juvenile facility.

(e) A person who is 19 years of age or older and who has been committed to a county juvenile facility or a facility of a contracted entity shall remain in the facility and shall not be subject to a petition for transfer to an adult facility. This section is not intended to authorize or extend confinement in a juvenile facility where authority would not otherwise exist.

SEC. 4. *Section 607 of the Welfare and Institutions Code, as added by Section 24 of Chapter 337 of the Statutes of 2020, is amended to read:*

607. (a) The court may retain jurisdiction over a person who is found to be a ward or dependent child of the juvenile court until the ward or dependent child attains 21 years of age, except as provided in subdivisions (b), (c), ~~and (d)~~, (d), and (e).

(b) The court may retain jurisdiction over a person who is found to be a person described in Section 602 by reason of the commission of an offense listed in subdivision (b) of Section 707, until that person attains 23 years of age, subject to the provisions of subdivision (c).

(c) The court may retain jurisdiction over a person who is found to be a person described in Section 602 by reason of the commission of an offense listed in subdivision (b) of Section 707 until that person attains 25 years of age if the person, at the time of adjudication of a crime or crimes, would, in criminal court, have faced an aggregate sentence of seven years or more.

(d) The court shall not discharge a person from its jurisdiction who has been committed to the Department of Corrections and Rehabilitation, Division of Juvenile Justice while the person remains under the jurisdiction of the Department of Corrections and Rehabilitation, Division of Juvenile Justice, including periods of extended control ordered pursuant to Section 1800.

(e) The court may retain jurisdiction over a person described in Section 602 by reason of the commission of an offense listed in subdivision (b) of Section 707, who has been confined in a state hospital or other appropriate public or private mental health facility pursuant to Section 702.3 until that person attains 25 years of age, unless the court that committed the person finds, after notice and hearing, that the person's sanity has been restored.

(f) The court may retain jurisdiction over a person while that person is the subject of a warrant for arrest issued pursuant to Section 663.

(g) Notwithstanding subdivisions ~~(b) and (d)~~, (b), (c), and (e), a person who is committed by the juvenile court to the Department of Corrections and Rehabilitation, Division of Juvenile Justice on or after July 1, 2012, but before July 1, 2018, and who is found to be a person described in Section 602 by reason of the commission of an offense listed in subdivision (b) of Section 707 shall be discharged upon the expiration of a two-year period of control, or when the person attains 23 years of age, whichever occurs later, unless an order for further detention has been made by the committing court pursuant to Article 6 (commencing with Section 1800) of Chapter 1 of Division 2.5. This subdivision does not apply to a person who is committed to the Department of Corrections and Rehabilitation, Division of Juvenile Justice, or to a person who is confined in a state hospital or other appropriate public or private mental health facility, by a court prior to July 1, 2012, pursuant to subdivisions ~~(b) and (d)~~: (b), (c), and (e).

(h) (1) Notwithstanding subdivision ~~(f)~~, (g), a person who is committed by the juvenile court to the Department of Corrections and Rehabilitation, Division of Juvenile ~~Facilities~~, Justice, on or after July 1, 2018, and who is found to be a person described in Section 602 by reason of the commission of an offense listed in subdivision (c) of Section 290.008 of the Penal Code or subdivision (b) of Section 707 of this code, shall be discharged upon the expiration of a two-year period of control, or when the person attains 23 years of age, whichever occurs later, unless an order for further detention has been made by the committing court pursuant to Article 6 (commencing with Section 1800) of Chapter 1 of Division 2.5.

(2) A person who, at the time of adjudication of a crime or crimes, would, in criminal court, have faced an aggregate sentence of seven years or more, shall be discharged upon the expiration of a two-year period of control, or when the person attains 25 years of age, whichever occurs later, unless an order for further detention has been made by the committing court pursuant to Article 6 (commencing with Section 1800) of Chapter 1 of Division 2.5.

(3) This subdivision does not apply to a person who is committed to the Department of Corrections and Rehabilitation, Division of Juvenile ~~Facilities~~, Justice, or to a person who is confined in a state hospital or other appropriate public or private mental health facility, by a court prior to July 1, 2018, as described in subdivision ~~(f)~~: (g).

(i) The amendments to this section made by Chapter 342 of the Statutes of 2012 apply retroactively.

(j) This section does not change the period of juvenile court jurisdiction for a person committed to the Division of Juvenile ~~Facilities~~ Justice prior to July 1, 2018.

(k) This section shall become operative July 1, 2021.

SEC. 5. *Section 704 of the Welfare and Institutions Code is amended to read:*

704. (a) If the court has determined that a minor is a person described by Section 602, or if the court has determined that a minor is a person described by Section 601 and a supplemental petition for commitment of ~~such the~~ minor to the ~~Youth Authority~~ *Division of Juvenile Justice* has been filed pursuant to Section 777, and ~~such the~~ minor is otherwise eligible for commitment to the ~~Youth Authority, Division of Juvenile Justice~~, the court, if it concludes that a disposition of the case in the best interest of the minor requires such observation and diagnosis as can be made at a diagnostic and treatment center of the ~~Youth Authority, Division of Juvenile Justice~~, may continue the hearing and order that ~~such the~~ minor be placed temporarily in such a center for a period not to exceed 90 days, with the further provision in such order that the Director of the ~~Youth Authority~~ *Division of Juvenile Justice* report to the court its diagnosis and recommendations concerning the minor within the 90-day period.

(b) The Director of ~~Youth Authority~~ *the Division of Juvenile Justice* shall, within the 90 days, cause the minor to be observed and examined and shall forward to the court ~~his the~~ diagnosis and recommendation concerning ~~such the~~ minor's future care, supervision, and treatment.

(c) The ~~Youth Authority~~ *Division of Juvenile Justice* shall accept ~~such that~~ person if there is in effect a contract made pursuant to Section 1752.1 and if it believes that the person can be materially benefited by such diagnostic and treatment services, and if the Director of the ~~Youth Authority~~ *Division of Juvenile Justice* certifies that staff and institutions are available. ~~No such person shall~~ *A person shall not* be transported to any facility under the jurisdiction of the ~~Youth Authority~~ *Division of Juvenile Justice* until the director has notified the referring court of the place to which said person is to be transported and the time at which ~~he the person~~ can be received.

(d) The probation officer of the county in which an order is made placing a minor in a diagnostic and treatment center pursuant to this section, or any other peace officer designated by the court, shall execute the order placing ~~such the~~ minor in the center or returning ~~him the minor~~ therefrom to the court. The expense of ~~such the~~ probation officer or other peace officer incurred in executing ~~such the~~ order is a charge upon the county in which the court is situated.

(e) This section shall become inoperative on July 1, 2021, and, as of January 1, 2022, is repealed.

SEC. 6. *Section 707.2 of the Welfare and Institutions Code is amended to read:*

707.2. (a) Prior to sentence and after considering a recommendation on the issue which shall be made by the probation department, the court of criminal jurisdiction may remand the minor to the custody of the ~~Department of the Youth Authority~~ *Division of Juvenile Justice* for a period not to exceed 90 days for the purpose of evaluation and report concerning ~~his or her the minor's~~ amenability to training and treatment offered by the ~~Department of the Youth Authority, Division of Juvenile Justice~~. If the court decides not to remand the minor to the custody of the ~~Department of the Youth Authority, Division of Juvenile Justice~~, the court shall make a finding on the record that the amenability evaluation is not necessary. However, a court of criminal jurisdiction shall not sentence any minor who was under ~~the age of 16 years~~ *16 years of age* when ~~he or she the minor~~ committed any criminal offense to the state prison unless ~~he or she the minor~~ has first been remanded to the custody of the ~~Department of the Youth Authority~~ *Division of Juvenile Justice* for evaluation and report pursuant to this section.

The need to protect society, the nature and seriousness of the offense, the interests of justice, and the needs of the minor shall be the primary considerations in the court's determination of the appropriate disposition for the minor.

(b) This section shall not apply where commitment to the ~~Department of the Youth Authority~~ *Division of Juvenile Justice* is prohibited pursuant to Section 1732.6.

(c) This section shall become inoperative on July 1, 2021, and, as of January 1, 2022, is repealed.

SEC. 7. Section 726 of the Welfare and Institutions Code is amended to read:

726. (a) In all cases in which a minor is adjudged a ward or dependent child of the court, the court may limit the control to be exercised over the ward or dependent child by any parent or guardian and shall, in its order, clearly and specifically set forth all those limitations, but no ward or dependent child shall be taken from the physical custody of a parent or guardian, unless upon the hearing the court finds one of the following facts:

(1) That the parent or guardian is incapable of providing or has failed or neglected to provide proper maintenance, training, and education for the minor.

(2) That the minor has been tried on probation while in custody and has failed to reform.

(3) That the welfare of the minor requires that custody be taken from the minor's parent or guardian.

(b) Whenever the court specifically limits the right of the parent or guardian to make educational or developmental services decisions for the minor, the court shall at the same time appoint a responsible adult to make educational or developmental services decisions for the child until one of the following occurs:

(1) The minor reaches 18 years of age, unless the child chooses not to make educational or developmental services decisions for ~~himself or herself~~, *themselves*, or is deemed by the court to be incompetent.

(2) Another responsible adult is appointed to make educational or developmental services decisions for the minor pursuant to this section.

(3) The right of the parent or guardian to make educational or developmental services decisions for the minor is fully restored.

(4) A successor guardian or conservator is appointed.

(5) The child is placed into a planned permanent living arrangement pursuant to paragraph (5) or (6) of subdivision (b) of Section 727.3, at which time, for educational decisionmaking, the foster parent, relative caretaker, or nonrelative extended family member, as defined in Section 362.7, has the right to represent the child in educational matters pursuant to Section 56055 of the Education Code, and for decisions relating to developmental services, unless the court specifies otherwise, the foster parent, relative caregiver, or nonrelative extended family member of the planned permanent living arrangement has the right to represent the child in matters related to developmental services.

(c) An individual who would have a conflict of interest in representing the child, as specified under federal regulations, may not be appointed to make educational decisions. The limitations applicable to conflicts of interest for educational rights holders shall also apply to authorized representatives for developmental services decisions pursuant to subdivision (b) of Section 4701.6. For purposes of this section, "an individual who would have a conflict of interest" means a person having any interests that might restrict or bias ~~his or her~~ *their* ability to make educational or developmental services decisions, including, but not limited to, those conflicts of interest prohibited by Section 1126 of the Government Code, and the receipt of compensation or attorneys' fees for the provision of services pursuant to this section. A foster parent may not be deemed to have a conflict of interest solely because ~~he or she~~ *the foster parent* receives compensation for the provision of services pursuant to this section.

(1) If the court limits the parent's educational rights pursuant to subdivision (a), the court shall determine whether there is a responsible adult who is a relative, nonrelative extended family member, or other adult known to the child and who is available and willing to serve as the child's educational representative before appointing an educational representative or surrogate who is not known to the child.

If the court cannot identify a responsible adult who is known to the child and available to make educational decisions for the child and paragraphs (1) to (5), inclusive, of subdivision (b) do not apply, and the child has either been referred to the local educational agency for special education and related services or has a valid individualized education program, the court shall refer the child to the local educational agency for appointment of a surrogate parent pursuant to Section 7579.5 of the Government Code.

(2) All educational and school placement decisions shall seek to ensure that the child is in the least restrictive educational programs and has access to the academic resources, services, and extracurricular and enrichment activities that are available to all pupils. In all instances, educational and school

placement decisions shall be based on the best interests of the child. If an educational representative or surrogate is appointed for the child, the representative or surrogate shall meet with the child, shall investigate the child's educational needs and whether those needs are being met, and shall, before each review hearing held under Article 10 (commencing with Section 360), provide information and recommendations concerning the child's educational needs to the child's social worker, make written recommendations to the court, or attend the hearing and participate in those portions of the hearing that concern the child's education.

(3) Nothing in this section in any way removes the obligation to appoint surrogate parents for students with disabilities who are without parental representation in special education procedures as required by state and federal law, including Section 1415(b)(2) of Title 20 of the United States Code, Section 56050 of the Education Code, Section 7579.5 of the Government Code, and Rule 5.650 of the California Rules of Court.

If the court appoints a developmental services decisionmaker pursuant to this section, ~~he or she~~ *they* shall have the authority to access the child's information and records pursuant to subdivision (u) of Section 4514 and subdivision (y) of Section 5328, and to act on the child's behalf for the purposes of the individual program plan process pursuant to Sections 4646, 4646.5, and 4648 and the fair hearing process pursuant to Chapter 7 (commencing with Section 4700) of Division 4.5, and as set forth in the court order.

(d) (1) If the minor is removed from the physical custody of ~~his or her~~ *the minor's* parent or guardian as the result of an order of wardship made pursuant to Section 602, the order shall specify that the minor may not be held in physical confinement for a period in excess of the ~~maximum~~ *middle* term of imprisonment which could be imposed upon an adult convicted of the offense or offenses which brought or continued the minor under the jurisdiction of the juvenile court.

(2) As used in this section and in Section 731, "maximum term of imprisonment" means the ~~longest~~ *middle* of the three time periods set forth in paragraph (3) of subdivision (a) of Section 1170 of the Penal Code, but without the need to follow the provisions of subdivision (b) of Section 1170 of the Penal Code or to consider time for good behavior or participation pursuant to Sections 2930, 2931, and 2932 of the Penal Code, plus enhancements which must be proven if pled.

(3) If the court elects to aggregate the period of physical confinement on multiple counts or multiple petitions, including previously sustained petitions adjudging the minor a ward within Section 602, the "maximum term of imprisonment" shall be the aggregate term of imprisonment specified in subdivision (a) of Section 1170.1 of the Penal Code, which includes any additional term imposed pursuant to Section 667, 667.5, 667.6, or 12022.1 of the Penal Code, and Section 11370.2 of the Health and Safety Code.

(4) If the charged offense is a misdemeanor or a felony not included within the scope of Section 1170 of the Penal Code, the "maximum term of imprisonment" is the ~~longest~~ *middle* term of imprisonment prescribed by law.

(5) "Physical confinement" means placement in a juvenile hall, ranch, camp, forestry camp or secure juvenile home pursuant to Section 730, or in any institution operated by the Department of Corrections and Rehabilitation, Division of Juvenile Justice.

(6) This section does not limit the power of the court to retain jurisdiction over a minor and to make appropriate orders pursuant to Section 727 for the period permitted by Section 607.

SEC. 8. Section 731 is added to the Welfare and Institutions Code, to read:

731. (a) If a minor is adjudged a ward of the court on the grounds that the minor is a person described by Section 602, the court may commit the ward to the Department of Corrections and Rehabilitation, Division of Juvenile Justice if the ward has committed an offense described in subdivision (b) of Section 707 or subdivision (c) of Section 290.008 of the Penal Code, and has been the subject of a motion filed to transfer the ward to the jurisdiction of the criminal court as provided in subdivision (c) of Section 736.5 and is not otherwise ineligible for commitment to the division under Section 733.

(b) A ward committed to the Division of Juvenile Justice shall not be confined in excess of the term of confinement set by the committing court. The court shall set a maximum term based upon the facts and

circumstances of the matter or matters that brought or continued the ward under the jurisdiction of the court and as deemed appropriate to achieve rehabilitation. The court shall not commit a ward to the Division of Juvenile Justice for a period that exceeds the middle term of imprisonment that could be imposed upon an adult convicted of the same offense. This subdivision does not limit the power of the Board of Juvenile Hearings to discharge a ward committed to the Division of Juvenile Justice pursuant to Sections 1719 and 1769. Upon discharge, the committing court may retain jurisdiction of the ward pursuant to Section 607.1 and establish the conditions of supervision pursuant to subdivision (b) of Section 1766.

(c) This section shall become operative on July 1, 2021, and shall remain in effect until the final closure of the Division of Juvenile Justice.

SEC. 9. Section 733.1 of the Welfare and Institutions Code is amended to read:

733.1. (a) Notwithstanding any other law, except as otherwise provided in this section, a ward of the juvenile court shall not be committed to the Department of Corrections and Rehabilitation, Division of Juvenile Justice on or after July 1, 2021.

(b) A court may commit a ward to the Department of Corrections and Rehabilitation, Division of Juvenile Justice as authorized in subdivision (c) of Section 736.5.

(c) Effective July 1, 2021, a person adjudged a ward of the court pursuant to Section 602, shall not be committed to the Department of Corrections and Rehabilitation, Division of Juvenile Justice, as long as allocations required by Section 1991 are authorized in statute and disbursed by September 1, 2021, and September 1 annually thereafter. To the extent that the allocations required by Section 1991 are not authorized in statute and disbursed annually thereafter, it is the intent of this section that wards adjudged wards of the court pursuant to Section 602 for an offense described in subdivision (b) of Section 707 of this code or subdivision (c) of Section 290.008 of the Penal Code may be committed to ~~a state-funded facility pursuant to Sections 731, 733, and 734.~~ *the Division of Juvenile Justice or, upon the final closure of the Division of Juvenile Justice, another state-funded facility, if the ward could have been committed to the Division of Juvenile Justice pursuant to Section 731, as that section read on January 1, 2021, and Sections 733, 734, and 736.5.* For the purpose of determining the state's compliance with this subdivision, the presumption shall be that the state is meeting its commitment in Section 1991 if that section is not materially changed from the law in effect on the operative date of this section.

SEC. 10. Section 736.5 of the Welfare and Institutions Code is amended to read:

736.5. (a) It is the intent of the Legislature to close the Division of Juvenile Justice within the Department of Corrections and Rehabilitation, through shifting responsibility for all youth adjudged a ward of the court, commencing July 1, 2021, to county governments and providing annual funding for county governments to fulfill this new responsibility.

(b) Beginning July 1, 2021, a ward shall not be committed to the Department of Corrections and Rehabilitation, Division of Juvenile Justice, except as described in subdivision (c).

(c) Pending the final closure of the Department of Corrections and Rehabilitation, Division of Juvenile Justice, a court may commit a ward who is otherwise eligible to be committed under existing law and in whose case a motion to transfer the minor from juvenile court to a court of criminal jurisdiction was filed. *The court shall consider, as an alternative to commitment to the Division of Juvenile Justice, placement in local programs, including those established as a result of the implementation of Chapter 337 of the Statutes of 2020.*

(d) All wards committed to the Department of Corrections and Rehabilitation, Division of Juvenile Justice prior to July 1, 2021 or pursuant to (c), shall remain within its custody until the ward is discharged, released or otherwise moved pursuant to ~~law.~~ *law, or until final closure of the Division of Juvenile Justice.*

(e) The Division of Juvenile Justice within the Department of Corrections and Rehabilitation shall close on June 30, 2023.

(f) The Director of the Division of Juvenile Justice shall develop a plan, by January 1, 2022, for the transfer of jurisdiction of youth remaining at the Division of Juvenile Justice who are unable to discharge or otherwise move pursuant to law prior to final closure on June 30, 2023.

~~*(e) It is the intent of the Legislature to establish a separate dispositional track for higher need youth by March 1, 2021. The framework for consideration shall be the processes laid out in Section 30 of Senate Bill 823 as amended on August 24, 2020.*~~

SEC. 11. *Section 779.5 is added to the Welfare and Institutions Code, to read:*

779.5. *The court committing a ward to a secure youth treatment facility as provided in Section 875 may thereafter modify or set aside the order of commitment upon the written application of the ward or the probation department and upon a showing of good cause that the county or the commitment facility has failed, or is unable to, provide the ward with treatment, programming, and education that are consistent with the individual rehabilitation plan described in subdivision (d) of Section 875, that the conditions under which the ward is confined are harmful to the ward, or that the juvenile justice goals of rehabilitation and community safety are no longer served by continued confinement of the ward in a secure youth treatment facility. The court shall notice a hearing in which it shall hear any evidence from the ward, the probation department, and any behavioral health or other specialists having information relevant to consideration of the request to modify or set aside the order of commitment. The court shall, at the conclusion of the hearing, make its findings on the record, including findings as to the custodial and supervision status of the ward, based on the evidence presented.*

SEC. 12. *Article 23.5 (commencing with Section 875) is added to Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code, to read:*

Article 23.5. Secure Youth Treatment Facilities

875. *(a) In addition to the types of treatment specified in Sections 727 and 730, commencing July 1, 2021, the court may order that a ward who is 14 years of age or older, be committed to a secure youth treatment facility for a period of confinement described in subdivision (b) if the ward meets the following criteria:*

(1) The juvenile is adjudicated and found to be a ward of the court based on an offense listed in subdivision (b) of Section 707.

(2) The adjudication described in paragraph (1) is the most recent offense for which the juvenile has been adjudicated.

(3) The court has made a finding on the record that a less restrictive, alternative disposition for the ward is unsuitable. In determining this, the court shall consider all relevant and material evidence, including the recommendations of counsel, the probation department, and any other agency or individual designated by the court to advise on the appropriate disposition of the case. The court shall additionally make its determination based on all of the following criteria:

(A) The severity of the offense or offenses for which the ward has been most recently adjudicated, including the ward's role in the offense, the ward's behavior, and harm done to victims.

(B) The ward's previous delinquent history, including the adequacy and success of previous attempts by the juvenile court to rehabilitate the ward.

(C) Whether the programming, treatment, and education offered and provided in a secure youth treatment facility is appropriate to meet the treatment and security needs of the ward.

(D) Whether the goals of rehabilitation and community safety can be met by assigning the ward to an alternative, less restrictive disposition that is available to the court.

(E) The ward's age, developmental maturity, mental and emotional health, sexual orientation, gender identity and expression, and any disabilities or special needs affecting the safety or suitability of committing the ward to a term of confinement in a secure youth treatment facility.

(b) In making its order of commitment for a ward, the court shall set a baseline term of confinement for the ward that is based on the most serious recent offense for which the ward has been adjudicated. The baseline term of confinement shall represent the time in custody necessary to meet the developmental and treatment needs of the ward and to prepare the ward for discharge to a period of probation supervision in the community. The baseline term of confinement for the ward shall be determined according to offense-based classifications that are approved by the Judicial Council as described in subdivision (h). Pending the development and adoption of offense-based classifications by the Judicial Council, the court shall set a baseline term of confinement for the ward utilizing the discharge consideration date guidelines applied by the Department of Corrections and Rehabilitation, Division of Juvenile Justice prior to its closure and as set forth in Sections 30807 to 30813, inclusive, of Title 9 of the California Code of Regulations. These guidelines shall be used only to determine a baseline confinement time for the ward and shall not be used or relied on to modify the ward's confinement time in any manner other than as provided in this section. The court may, pending the adoption of Judicial Council guidelines, modify the initial baseline term with a deviation of plus or minus six months. The baseline term shall also be subject to modification in progress review hearings as described in subdivision (e).

(c) In making its order of commitment, the court shall additionally set a maximum term of confinement for the ward in a secure youth treatment facility. The maximum term of confinement shall represent the longest term of confinement in a facility that the ward may serve subject to the following:

(1) A ward committed to a secure youth treatment facility under this section shall not be held in secure confinement beyond 23 years of age, or two years from the date of the commitment, whichever occurs later. However, if the ward has been committed to a facility based on adjudication for an offense or offenses for which the ward, if convicted in adult criminal court, would face an aggregate sentence of seven or more years, the maximum period of confinement shall not exceed the ward attaining 25 years of age or two years from the date of the commitment, whichever occurs later.

(2) The maximum period of confinement shall not exceed the middle term of imprisonment that can be imposed upon an adult convicted of the same offense or offenses.

(d) (1) Within 30 days of making an order of commitment to a secure youth treatment facility, the court shall receive, review, and approve an individual rehabilitation plan that meets the requirements of paragraph (2) for the ward that has been submitted to the court by the probation department and any other agencies or individuals the court deems necessary for the development of the plan. The plan may be developed in consultation with a multidisciplinary team of youth service, mental and behavioral health, education, and other treatment providers who are convened to advise the court for this purpose. The prosecutor and the counsel for the ward may provide input in the development of the rehabilitation plan prior to the court's approval of the plan. The plan may be modified by the court based on all of the information provided.

(2) An individual rehabilitation plan shall do all of the following:

(A) Identify the ward's needs in relation to treatment, education, and development, including any special needs the ward may have in relation to health, mental or emotional health, disabilities, or gender-related or other special needs.

(B) Describe the programming, treatment, and education to be provided to the ward in relation to the identified needs during the commitment period.

(C) Reflect, and be consistent with, the principles of trauma-informed, evidence-based, and culturally responsive care.

(D) The ward and their family shall be given the opportunity to provide input regarding the needs of the ward during the identification process stated in subparagraph (A), and the opinions of the ward and the ward's family shall be included in the rehabilitation plan report to the court.

(e) (1) The court shall, during the term of commitment, schedule and hold a progress review hearing for the ward not less frequently than once every six months. In the review hearing, the court shall evaluate the ward's progress in relation to the rehabilitation plan and shall determine whether the baseline term of confinement is to be modified. The court shall consider the recommendations of counsel, the probation department and any behavioral, educational, or other specialists having information relevant to the

ward's progress. At the conclusion of the review hearing, the court may order that the ward remain in custody for the remainder of the baseline term or may order that the ward's baseline term be modified downward by a reduction of confinement time not to exceed six months. The court may additionally order that the ward be assigned to a less restrictive program, as provided in subdivision (f).

(2) The ward's confinement time, including time spent in a less restrictive program described in subdivision (f), shall not be extended beyond the baseline confinement term, or beyond a modified baseline term, for disciplinary infractions or other in-custody behaviors. Any infractions or behaviors shall be addressed by alternative means, which may include a system of graduated sanctions for disciplinary infractions adopted by the operator of a secure youth treatment facility and subject to any relevant state standards or regulations that apply to juvenile facilities generally.

(3) The court shall, at the conclusion of the baseline confinement term, including any modified baseline term, hold a probation discharge hearing for the ward. For a ward who has been placed in a less restrictive program described in subdivision (f), the probation discharge hearing shall occur at the end of the period, or modified period, of placement that has been ordered by the court. At the discharge hearing, the court shall review the ward's progress toward meeting the goals of the individual rehabilitation plan and the recommendations of counsel, the probation department, and any other agencies or individuals having information the court deems necessary. At the conclusion of the hearing, the court shall order that the ward be discharged to a period of probation supervision in the community under conditions approved by the court, unless the court finds that the ward constitutes a substantial risk of imminent harm to others in the community if released from custody. If the court so finds, the ward may be retained in custody in a secure youth treatment facility for up to one additional year of confinement, subject to the review hearing and probation discharge hearing provisions of this subdivision and subject to the maximum confinement provisions of subdivision (c).

(4) If the ward is discharged to probation supervision, the court shall determine the reasonable conditions of probation that are suitable to meet the developmental needs and circumstances of the ward and to facilitate the ward's successful reentry into the community. The court shall periodically review the ward's progress under probation supervision and shall make any additional orders deemed necessary to modify the program of supervision in order to facilitate the provision of services or to otherwise support the ward's successful reentry into the community. If the court finds that the ward has failed materially to comply with the reasonable orders of probation imposed by the court, the court may order that the ward be returned to a juvenile facility or to a placement described in subdivision (f) for a period not to exceed either the remainder of the baseline term, including any court-ordered modifications, or six months, whichever is longer, and in any case not to exceed the maximum confinement limits of subdivision (c).

(f) (1) Upon a motion from the probation department or the ward, the court may order that the ward be transferred from a secure youth treatment facility to less restrictive program, such as a halfway house, a camp or ranch, or a community residential or nonresidential service program. The purpose of a less restrictive program is to facilitate the safe and successful reintegration of the ward into the community. The court shall consider the transfer request at the next scheduled treatment review hearing or at a separately scheduled hearing. The court shall consider the recommendations of the probation department on the proposed change in placement. Approval of the request for a less restrictive program shall be made only upon the court's determination that the ward has made substantial progress toward the goals of the individual rehabilitation plan described in subdivision (d) and that placement is consistent with the goals of youth rehabilitation and community safety. In making its determination, the court shall consider both of the following factors:

(A) The ward's overall progress in relation to the rehabilitation plan during the period of confinement in a secure youth treatment facility.

(B) The programming and community transition services to be provided, or coordinated by the less restrictive program, including, but not limited to, any educational, vocational, counseling, housing, or other services made available through the program.

(2) In any order transferring the ward from a secure youth treatment facility to a less restrictive program, the court may require the ward to observe any conditions of performance or compliance with the

program that are reasonable and appropriate in the individual case and that are within the capacity of the ward to perform. The court shall set the length of time the ward is to remain in a less restrictive program, not to exceed the remainder of the baseline or modified baseline term, prior to a probation discharge hearing described in subdivision (e). If, after placement in a less restrictive program, the court determines that the ward has materially failed to comply with the court-ordered conditions of placement in the program, the court may modify the terms and conditions of placement in the program or may order the ward to be returned to a secure youth treatment facility for the remainder of the baseline term, or modified baseline term, and subject to further periodic review hearings, as provided in subdivision (e) and to the maximum confinement provisions of subdivision (c).

(g) A secure youth treatment facility, as described in this section, shall meet the following criteria:

(1) The facility shall be a secure facility that is operated, utilized, or accessed by the county of commitment to provide appropriate programming, treatment, and education for wards having been adjudicated for the offenses specified in subdivision (a).

(2) The facility may be a stand-alone facility, such as a probation camp or other facility operated under contract with the county, or with another county, or may be a unit or portion of an existing county juvenile facility, including a juvenile hall or probation camp, that is configured and programmed to serve the population described in subdivision (a) and is in compliance with the standards described in paragraph (3).

(3) The Board of State and Community Corrections shall by July 1, 2023, review existing juvenile facility standards and modify or add standards for the establishment, design, security, programming and education, and staffing of any facility that is utilized or accessed by the court as a secure youth treatment facility under the provisions of this section. The standards shall be developed by the board with the coordination and concurrence of the Office of Youth and Community Restoration established by Section 2200. The standards shall specify how the facility may be used to serve or to separate juveniles, other than juveniles described in subdivision (a) serving baseline confinement terms, who may also be detained in or committed to the facility or to some portion of the facility. Pending the final adoption of these modified standards, a secure youth treatment facility shall comply with applicable minimum standards for juvenile facilities in Title 15 and Title 24 of the California Code of Regulations.

(4) A county proposing to establish a secure youth treatment facility for wards described in subdivision (a) shall notify the Board of State and Community Corrections of the operation of the facility and shall submit a description of the facility to the board in a format designated by the board. Commencing July 1, 2022, the Board of State and Community Corrections shall conduct a biennial inspection of each secure youth treatment facility that was used for the confinement of juveniles placed pursuant to subdivision (a) during the preceding calendar year. To the extent new standards are not yet in place, the board shall utilize the standards in existing regulations.

(5) In lieu of establishing its own secure youth treatment facility, a county may contract with another county having a secure youth treatment facility to accept commitments of wards described in subdivision (a).

(6) A county may establish a secure youth treatment facility to serve as a regional center for commitment of juveniles by one or more other counties on a contract payment basis.

(h) (1) By July 1, 2023, the Judicial Council shall develop and adopt a matrix of offense-based classifications to be applied by the juvenile courts in all counties in setting the baseline confinement terms described in subdivision (b). Each classification level or category shall specify a set of offenses within the level or category that is linked to a standard baseline term of years to be assigned to youth, based on their most serious recent adjudicated offense, who are committed to a secure youth treatment facility as provided in this section. The classification matrix may provide for upward or downward deviations from the baseline term and may also provide for a system of positive incentives or credits for time served. In developing the matrix, the Judicial Council shall be advised by a working group of stakeholders, which shall include representatives from prosecution, defense, probation, behavioral health, youth service providers, youth formerly incarcerated in the Division of Juvenile Justice, and youth advocacy and other stakeholders and organizations having relevant expertise or information on

dispositions and sentencing of youth in the juvenile justice system. In the development process, the Judicial Council shall also examine and take into account youth sentencing and length-of-stay guidelines or practices adopted by other states or recommended by organizations, academic institutions, or individuals having expertise or having conducted relevant research on dispositions and sentencing of youth in the juvenile justice system.

(2) Upon final adoption by the Judicial Council, the matrix of offense-based classifications shall be applied in a standardized manner by juvenile courts in each county in cases where the court is required to set a baseline confinement term under subdivision (b) for wards who are committed to a secure youth treatment facility. The discharge consideration date guidelines of the Division of Juvenile Justice that were applied on an interim basis, as provided in subdivision (b), shall not thereafter be utilized to determine baseline confinement terms for wards who are committed to a secure youth treatment facility under the provisions of this section.

(i) A court shall not commit a juvenile to any juvenile facility, including a secure youth treatment facility as defined in this section, for a period that exceeds the middle term of imprisonment that could be imposed upon an adult convicted of the same offense or offenses.

875.5. *(a) It is the intent of the Legislature to apply Article 6 (commencing with Section 1800) of Chapter 1 of Division 2.5, governing extended detention of persons physically dangerous to the public who are served by the Division of Juvenile Justice, to persons physically dangerous to the public who are committed to a secure treatment facility pursuant to Section 875, pending development of a specific commitment process for realigned persons pursuant to subdivision (b).*

(b) The Governor and the Legislature shall work with stakeholders, including, but not limited to, the Division of Juvenile Justice, the State Department of State Hospitals, the Chief Probation Officers of California, the California State Association of Counties, advocacy organizations representing youth, and the Judicial Council to develop language by July 1, 2021, to replace the procedures specified in Section 876 with a commitment process that ensures the treatment capacity, legal protections, and court procedures are appropriate to successfully serve persons realigned from the Division of Juvenile Justice to the counties by Senate Bill 823 (Chapter 337, Statutes of 2020).

(c) It is the intent of the Legislature to enact legislation that would, effective July 1, 2022, extend detention of persons physically dangerous to the public who are in a secure youth treatment facility pursuant to the commitment process developed in subdivision (b).

876. *(a) If a probation department determines that the discharge of a person confined in a secure youth treatment facility from the control of the court at the time required by Section 875 would be physically dangerous to the public because of the person's mental or physical condition, disorder, or other problem that causes the person to have serious difficulty controlling their dangerous behavior, the department shall request the prosecuting attorney to petition the committing court for an order directing that the person remain subject to the control of the department beyond that time. The petition shall be filed at least 90 days before the time of discharge otherwise required. The petition shall be accompanied by a written statement of the facts upon which the department bases its opinion that discharge at the time stated would be physically dangerous to the public, but the petition may not be dismissed and an order may not be denied merely because of technical defects in the application.*

(b) The prosecuting attorney shall promptly notify the probation department of a decision not to file a petition.

(c) If a petition is filed with the court and, upon review, the court determines that the petition, on its face, supports a finding of probable cause, the court shall order that a hearing be held. The court shall provide notification of the hearing to the person whose liberty is involved and, if the person is a minor, the minor's parent or guardian, if the minor's parent or guardian can be reached, and, if not, the court shall appoint a person to act in the place of the parent or guardian and shall afford the person an opportunity to appear at the hearing with the aid of counsel and the right to cross-examine experts or other witnesses upon whose information, opinion, or testimony the petition is based. The court shall inform the person named in the petition of their right of process to compel attendance of relevant witnesses and the production of relevant evidence. When the person is unable to provide their own

counsel, the court shall appoint counsel to represent them. The probable cause hearing shall be held within 10 calendar days after the date the order is issued pursuant to this subdivision unless the person named in the petition waives this time.

(d) At the probable cause hearing, the court shall receive evidence and determine whether there is probable cause to believe that discharge of the person would be physically dangerous to the public because of the person's mental or physical condition, disorder, or other problem that causes the person to have serious difficulty controlling dangerous behavior. If the court determines there is not probable cause, the court shall dismiss the petition and the person shall be discharged from the control of a secure youth treatment facility at the time required by Section 875, as applicable. If the court determines there is probable cause, the court shall order that a trial be conducted to determine whether the person is physically dangerous to the public because of their mental or physical condition, disorder, or other problem.

(e) If a trial is ordered, the trial shall be by jury unless the right to a jury trial is personally waived by the person, after the person has been fully advised of the constitutional rights being waived, and by the prosecuting attorney, in which case trial shall be by the court. If the jury is not waived, the court shall cause a jury to be summoned and to be in attendance at a date stated, not less than 4 days nor more than 30 days from the date of the order for trial, unless the person named in the petition waives time. The court shall submit to the jury, or, at a court trial, the court shall answer, the following question: Is the person physically dangerous to the public because of a mental or physical condition, disorder, or other problem that causes the person to have serious difficulty controlling their dangerous behavior? The court's previous order entered pursuant to this section shall not be read to the jury, nor alluded to in the trial. The person shall be entitled to all rights guaranteed under the federal and state constitutions in criminal proceedings. A unanimous jury verdict shall be required in any jury trial. As to either a court or a jury trial, the standard of proof shall be that of proof beyond a reasonable doubt.

(f) If an order for continued detention is made pursuant to this section, the control of the department over the person shall continue, subject to the provisions of this article, but, unless the person is previously discharged as provided in Section 875, the department shall, within two years after the date of that order in the case of persons committed by the juvenile court, or within two years after the date of that order in the case of persons committed after conviction in criminal proceedings, file a new application for continued detention in accordance with the provisions of this section if continued detention is deemed necessary. These applications may be repeated at intervals as often as in the opinion of the department may be necessary for the protection of the public, except that the court shall have the power, in order to protect other persons in the custody of probation to refer the person for evaluation for civil commitment or to transfer the custody of any person over 25 years of age to the county adult probation authorities for placement in an appropriate institution. Each person shall be discharged from the control of the probation department at the termination of the period stated in this section unless the probation department has filed a new application and the court has made a new order for continued detention as provided above in this section.

(g) An order of the committing court made pursuant to this section is appealable by the person whose liberty is involved in the same manner as a judgment in a criminal case. The appellate court may affirm the order of the lower court, or modify it, or reverse it and order the appellant to be discharged. Pending appeal, the appellant shall remain under the control of the probation department.

SEC. 13. *Section 1731.5 of the Welfare and Institutions Code is amended to read:*

1731.5. (a) After certification to the Governor as provided in this article, a court ~~may~~ *may, until July 1, 2021,* commit to the Division of Juvenile Justice any person who meets all of the following:

- (1) Is convicted of an offense described in subdivision (b) of Section 707 or subdivision (c) of Section 290.008 of the Penal Code.
- (2) Is found to be less than 21 years of age at the time of apprehension.

(3) Is not sentenced to death, imprisonment for life, with or without the possibility of parole, whether or not pursuant to Section 190 of the Penal Code, imprisonment for 90 days or less, or the payment of a fine, or after having been directed to pay a fine, defaults in the payment thereof, and is subject to imprisonment for more than 90 days under the judgment.

(4) Is not granted probation, or was granted probation and that probation is revoked and terminated.

(b) The Division of Juvenile Justice shall accept a person committed to it *prior to July 1, 2021*, pursuant to this article if it believes that the person can be materially benefited by its reformatory and educational discipline, and if it has adequate facilities to provide that care.

(c) A person under 18 years of age who is not committed to the division pursuant to this section may be transferred to the division by the Secretary of the Department of Corrections and Rehabilitation with the approval of the Director of the Division of Juvenile Justice. In sentencing a person under 18 years of age, the court ~~may~~ *may, until July 1, 2021*, order that the person be transferred to the custody of the Division of Juvenile Justice pursuant to this subdivision. If the court makes this order and the division fails to accept custody of the person, the person shall be returned to court for resentencing. The transfer shall be solely for the purposes of housing the inmate, allowing participation in the programs available at the institution by the inmate, and allowing division parole supervision of the inmate, who, in all other aspects shall be deemed to be committed to the Department of Corrections and Rehabilitation and shall remain subject to the jurisdiction of the Secretary of the Department of Corrections and Rehabilitation and the Board of Parole Hearings. Notwithstanding subdivision (b) of Section 2900 of the Penal Code, the secretary, with the concurrence of the director, may designate a facility under the jurisdiction of the director as a place of reception for a person described in this subdivision. The director has the same powers with respect to an inmate transferred pursuant to this subdivision as if the inmate had been committed or transferred to the Division of Juvenile Justice either under the Arnold-Kennick Juvenile Court Law or subdivision (a). The duration of the transfer shall extend until any of the following occurs:

(1) The director orders the inmate returned to the Department of Corrections and Rehabilitation.

(2) The inmate is ordered discharged by the Board of Parole Hearings.

(3) The inmate reaches 18 years of age. However, if the inmate's period of incarceration would be completed on or before the inmate's 25th birthday, the director may continue to house the inmate until the period of incarceration is ~~completed~~ *completed or until final closure of the Division of Juvenile Justice*.

(d) The amendments to subdivision (c), as that subdivision reads on July 1, 2018, made by the act adding this subdivision, apply retroactively.

SEC. 14. Section 1731.6 of the Welfare and Institutions Code is amended to read:

1731.6. (a) In any county in which there is in effect a contract made pursuant to Section 1752.1, if a court has determined that a person comes within the provisions of Section 1731.5 and concludes that a proper disposition of the case requires such observation and diagnosis as can be made at a diagnostic and treatment center of the ~~Youth Authority~~ *Division of Juvenile Justice*, the court may continue the hearing ~~and~~ *and, until July 1, 2021*, order that ~~such the~~ person be placed temporarily in such a center for a period not to exceed 90 days, with the further provision in such order that the Director of the ~~Youth Authority~~ *Division of Juvenile Justice* report to the court its diagnosis and recommendations concerning the person within the 90-day period.

(b) The Director of the ~~Youth Authority~~ *Division of Juvenile Justice* shall, within the 90 days, cause the person to be observed and examined and shall forward to the court ~~his the~~ diagnosis and recommendation concerning ~~such the~~ person's future care, supervision, and treatment.

(c) The ~~Youth Authority~~ *Division of Juvenile Justice* shall accept ~~such that~~ person if it believes that the person can be materially benefited by such diagnostic and treatment services and if the Director of the ~~Youth Authority~~ *Division of Juvenile Justice* certifies that staff and institutions are available. ~~No such~~ A person shall *not* be transported to any facility under the jurisdiction of the ~~Youth Authority~~ *Division of Juvenile Justice* until the director has notified the referring court of the place to which ~~such the~~ person is to be transported and the time at which ~~he the person~~ can be received.

(d) Notwithstanding ~~the provisions of~~ subdivision (c), the ~~Youth Authority~~ *Division of Juvenile Justice* shall accept without cost to the county any persons remanded pursuant to Section 707.2.

(e) The sheriff of the county in which an order is made placing a person in a diagnostic and treatment center pursuant to this section, or any other peace officer designated by the court, shall execute the order placing ~~such the~~ person in the center or returning ~~him them~~ therefrom to the court. The expense of ~~such the~~ sheriff or other peace officer incurred in executing ~~such that~~ order is a charge upon the county in which the court is situated.

SEC. 15. Section 1731.7 of the Welfare and Institutions Code, as amended by Section 42 of Chapter 29 of the Statutes of 2020, is amended to read:

1731.7. (a) The Department of Corrections and Rehabilitation, Division of Juvenile Justice, shall establish and operate a seven-year pilot program for transition-aged youth. Commencing on or after January 1, 2019, the program shall divert a limited number of transition-aged youth from adult prison to a juvenile facility in order to provide developmentally appropriate, rehabilitative programming designed for transition-aged youth with the goal of improving their outcomes and reducing recidivism.

(b) The department may develop criteria for placement in this program, initially targeting youth sentenced by a superior court who committed an offense described in subdivision (b) of Section 707 prior to 18 years of age. Youth with a period of incarceration that cannot be completed on or before their 25th birthday are ineligible for placement in the transition-aged youth program. The department may consider the availability of program credit earning opportunities that lower the total length of time a youth serves in determining eligibility.

(c) Notwithstanding any other law, following sentencing, an individual who is 18 years of age or older at the time of sentencing and who has been convicted of an offense described in subdivision (b) of Section 707 that occurred prior to 18 years of age shall remain in local detention pending a determination of acceptance or rejection by the Division of Juvenile Justice. The Division of Juvenile Justice shall notify the local detention authority upon determination of acceptance or rejection of an individual pursuant to this subdivision.

(d) An eligible person may be transferred to the Division of Juvenile Justice by the Secretary of the Department of Corrections and Rehabilitation with the approval of the Director of the Division of Juvenile Justice. Notwithstanding subdivision (b) of Section 2900 of the Penal Code, the secretary, with the concurrence of the director, may designate a facility under the jurisdiction of the Division of Juvenile Justice as a place of reception for a person described in this section.

(e) The duration of the transfer shall extend until either of the following occurs:

- (1) The director orders the youth returned to the Department of Corrections and Rehabilitation.
- (2) The youth's period of incarceration is completed.

(f) The Division of Juvenile Justice shall produce and submit a report to the Legislature on January 1, 2020, ~~and each January 1 thereafter~~, to assess the program. At a minimum, the report shall include all of the following:

- (1) Criteria used to determine placement in the program.
- (2) Guidelines for satisfactory completion of the program.
- (3) Demographic data of eligible and selected participants, including, but not limited to, county of conviction, race, gender, sexual orientation, and gender identity and expression.
- (4) Disciplinary infractions incurred by participants.
- (5) Good conduct, milestone completion, rehabilitative achievement, and educational merit credits earned in custody.
- (6) Quantitative and qualitative measures of progress in programming.
- (7) Rates of attrition of program participants.

(g) The Division of Juvenile Justice shall contract with one or more independent universities or outside research organizations to evaluate the effects of participation in the program established by this section. This evaluation shall include, at a minimum, an evaluation of cost-effectiveness, recidivism data,

consistency with evidence-based principles, and program fidelity. If sufficient data is available, the evaluation may also compare participant outcomes with a like group of similarly situated transition aged youth retained in the counties or incarcerated in adult institutions.

(h) The Division of Juvenile Justice shall promulgate regulations to implement this section.

(i) Effective July 1, 2020, the pilot program operated pursuant to this section shall be suspended. Any pilot program participants who were diverted from an adult prison pursuant to this section and who were housed at the Division of Juvenile Justice prior to January 1, 2020, may remain at the Division of Juvenile Justice pursuant to subdivision (e).

SEC. 16. Section 1731.7 of the Welfare and Institutions Code, as added by Section 68 of Chapter 25 of the Statutes of 2019, is repealed.

1731.7.

~~(a)The Department of Corrections and Rehabilitation shall establish and operate a seven-year pilot program for transition-aged youth. Commencing on or after January 1, 2019, the program shall divert a limited number of transition-aged youth from adult prison to a juvenile facility in order to provide developmentally appropriate, rehabilitative programming designed for transition-aged youth with the goal of improving their outcomes and reducing recidivism.~~

~~(b)The department may develop criteria for placement in this program, initially targeting youth sentenced by a superior court who committed an offense described in subdivision (b) of Section 707 prior to 18 years of age. Youth with a period of incarceration that cannot be completed on or before their 25th birthday are ineligible for placement in the transition-aged youth program. The department may consider the availability of program credit earning opportunities that lower the total length of time a youth serves in determining eligibility.~~

~~(c)Notwithstanding any other law, following sentencing, an individual who is 18 years of age or older at the time of sentencing and who has been convicted of an offense described in subdivision (b) of Section 707 that occurred prior to 18 years of age shall remain in local detention pending a determination of acceptance or rejection by the Department of Youth and Community Restoration. The Department of Youth and Community Restoration shall notify the local detention authority upon determination of acceptance or rejection of an individual pursuant to this subdivision.~~

~~(d)An eligible person may be transferred to the Department of Youth and Community Restoration by the Secretary of the Department of Corrections and Rehabilitation with the approval of the Director of the Department of Youth and Community Restoration. Notwithstanding subdivision (b) of Section 2900 of the Penal Code, the secretary, with the concurrence of the director, may designate a facility under the jurisdiction of the Department of Youth and Community Restoration as a place of reception for a person described in this section.~~

~~(e)The duration of the transfer shall extend until either of the following occurs:~~

~~(1)The director orders the youth returned to the Department of Corrections and Rehabilitation.~~

~~(2)The youth's period of incarceration is completed.~~

~~(f)The Department of Youth and Community Restoration shall produce and submit a report to the Legislature on January 1, 2021, and each January 1 thereafter, to assess the program. At a minimum, the report shall include all of the following:~~

~~(1)Criteria used to determine placement in the program.~~

~~(2)Guidelines for satisfactory completion of the program.~~

~~(3)Demographic data of eligible and selected participants, including, but not limited to, county of conviction, race, gender, sexual orientation, and gender identity and expression.~~

~~(4)Disciplinary infractions incurred by participants.~~

~~(5)Good conduct, milestone completion, rehabilitative achievement, and educational merit credits earned in custody.~~

~~(6)Quantitative and qualitative measures of progress in programming.~~

~~(7)Rates of attrition of program participants.~~

~~(g) The Department of Youth and Community Restoration shall contract with one or more independent universities or outside research organizations to evaluate the effects of participation in the program established by this section. This evaluation shall include, at a minimum, an evaluation of cost-effectiveness, recidivism data, consistency with evidence-based principles, and program fidelity. If sufficient data is available, the evaluation may also compare participant outcomes with a like group of similarly situated transition aged youth retained in the counties or incarcerated in adult institutions.~~

~~(h) The Department of Youth and Community Restoration shall promulgate regulations to implement this section.~~

~~(i) This section shall become operative July 1, 2020.~~

~~(j) This section shall become inoperative on June 1, 2026, and, as of January 1, 2027, is repealed.~~

SEC. 17. *Section 1752.1 of the Welfare and Institutions Code is amended to read:*

1752.1. *(a) The director may enter into contracts with the approval of the Director of Finance with any county of this state, upon request of the board of supervisors thereof, wherein the ~~Youth Authority~~ Division of Juvenile Justice agrees to furnish diagnosis and treatment services and temporary detention during a period of study to the county for selected cases of persons eligible for commitment to the ~~Youth Authority~~ Division of Juvenile Justice. The county shall reimburse the state for the cost of ~~such those~~ services, ~~such the~~ cost to be determined by the Director of the ~~Youth Authority~~ Division of Juvenile Justice.*

~~The Youth Authority~~

(b) The Division of Juvenile Justice shall present to the county, not more frequently than monthly, a claim for the amount due the state under this section which the county shall process and pay pursuant to the provisions of Chapter 4 (commencing with Section 29700) of Division 3 of Title 3 of the Government Code.

(c) The Division of Juvenile Justice shall not accept new cases from the counties pursuant to this section on and after July 1, 2021.

SEC. 18. *Section 1752.15 of the Welfare and Institutions Code is amended to read:*

1752.15. *(a) The director may enter into contracts, with the approval of the Director of Finance, with any county of this state upon request of the board of supervisors thereof, wherein the ~~Department of the Youth Authority~~ Division of Juvenile Justice agrees to furnish temporary emergency detention facilities and necessary services incident thereto, for persons under the age of 18 years who are in the custody of the county probation officer pursuant to provisions of Chapter 2 (commencing with Section 200) of Part 1 of Division 2. Facilities of the department may be used only on a temporary basis when existing county juvenile facilities are rendered unsafe or inadequate because of a natural or manmade disaster, or when the continued presence of the minor or minors in the county juvenile facilities would, in the opinion of the judge of the juvenile court having jurisdiction over the minor, of the chief probation officer of the county, and of the director, present a significant risk of violence or escape. They may not be used for the detention of a person who is alleged to be or has been adjudged to be a person described by Section 300 or Section 601.*

~~Whenever~~

(b) Whenever any person is detained in a ~~California Youth Authority~~ Division of Juvenile Justice facility located in a county other than the county which has contracted for services pursuant to this section, the county shall provide for adequate consultation between the minor and ~~his or her~~ the minor's attorney; and, if the minor's parent or guardian lacks adequate private means of transportation, and if the minor has been detained in the facility for more than 10 days, the county shall make reasonable efforts to provide for visitation between the minor and ~~his or her~~ the minor's parents or guardian.

~~The~~

(c) The county shall reimburse the state for the cost of these services, the cost to be determined by the director. The department shall present to the county, not more than once a month, a claim for the amount

due the state under this section which the county shall process and pay pursuant to the provisions of Chapter 4 (commencing with Section 29700) of Division 3 of Title 3 of the Government Code.

(d) The Division of Juvenile Justice shall not accept new cases from the counties pursuant to this section on and after July 1, 2021.

SEC. 19. *Section 1767.35 of the Welfare and Institutions Code is amended to read:*

1767.35. (a) For a ward discharged from the Division of Juvenile ~~Facilities~~ *Justice* to the jurisdiction of the committing court, that person may be detained by probation, for the purpose of initiating proceedings to modify the ward's conditions of supervision entered pursuant to paragraph (6) of subdivision (b) of Section 1766 if there is probable cause to believe that the ward has violated any of the court-ordered conditions of supervision. Within 15 days of detention, the committing court shall conduct a modification hearing for the ward. Pending the hearing, the ward may be detained by probation. At the hearing authorized by this subdivision, at which the ward shall be entitled to representation by counsel, the court shall consider the alleged violation of conditions of supervision, the risks and needs presented by the ward, and the supervision programs and sanctions that are available for the ward. Modification may include, as a sanction for a finding of a serious violation or a series of repeated violations of the conditions of supervision, an order for the reconfinement of a ward under 18 years of age in a juvenile facility, or for the reconfinement of a ward 18 years of age or older in a juvenile facility as authorized by Section 208.5, or for the reconfinement of a ward 18 years of age or older in a local adult facility as authorized by subdivision (b), ~~or~~ *or, until July 1, 2021,* the Division of Juvenile ~~Facilities~~ *Justice* as authorized by subdivision (c). The ward shall be fully informed by the court of the terms, conditions, responsibilities, and sanctions that are relevant to the order that is adopted by the court. The procedure of the supervision modification hearing, including the detention status of the ward in the event continuances are ordered by the court, shall be consistent with the rules, rights, and procedures applicable to delinquency disposition hearings, as described in Article 17 (commencing with Section 675) of Chapter 2 of Part 1 of Division 2.

(b) Notwithstanding any other law, subject to Chapter 1.6. (commencing with Section 1980), and consistent with the maximum periods of time set forth in Section 731, in any case in which a person who was committed to and discharged from the Department of Corrections and Rehabilitation, Division of Juvenile ~~Facilities~~ *Justice* to the jurisdiction of the committing court attains 18 years of age prior to being discharged from the division or during the period of supervision by the committing court, the court may, upon a finding that the ward violated ~~his or her~~ *their* conditions of supervision and after consideration of the recommendation of the probation officer and pursuant to a hearing conducted according to the provisions of subdivision (a), order that the person be delivered to the custody of the sheriff for a period not to exceed a total of 90 days, as a custodial sanction consistent with the reentry goals and requirements imposed by the court pursuant to paragraph (6) of subdivision (b) of Section 1766. Notwithstanding any other law, the sheriff may allow the person to come into and remain in contact with other adults in the county jail or in any other county correctional facility in which ~~he or she~~ *the person* is housed.

(c) Notwithstanding any other law and subject to Chapter 1.6 (commencing with Section 1980), in any case in which a person who was committed to and discharged from the Department of Corrections and Rehabilitation, Division of Juvenile ~~Facilities,~~ *Justice,* to the jurisdiction of the committing court, the juvenile court may, upon a finding that the ward violated ~~his or her~~ *their* conditions of supervision and after consideration of the recommendation of the probation officer and pursuant to a hearing conducted according to the provisions of subdivision (a), order that the person be returned to the custody of the Department of Corrections and Rehabilitation, Division of Juvenile ~~Facilities,~~ *Justice,* for a specified amount of time no shorter than 90 days and no longer than one year. This return shall be a sanction consistent with the reentry goals and requirements imposed by the court pursuant to paragraph (6) of subdivision (b) of Section 1766. A decision to return a ward to the custody of the Division of Juvenile ~~Facilities~~ *Justice* can only be made *prior to July 1, 2021, and* pursuant to the court making the

following findings: (1) that appropriate local options and programs have been exhausted, and (2) that the ward has available confinement time that is greater than or equal to the length of the return.

(d) Upon ordering a ward to the custody of the Division of Juvenile ~~Facilities~~, *Justice*, the court shall send to the Division of Juvenile ~~Facilities~~ *Justice* a copy of its order along with a copy of the ward's probation plans and history while under the supervision of the county.

~~(e) This section shall become operative on January 1, 2013.~~

SEC. 20. Section 1991 of the Welfare and Institutions Code is amended to read:

1991. (a) Commencing with the ~~2021-22~~ *2021-22* fiscal year, and annually thereafter, there shall be an allocation to the county for use by the county to provide appropriate rehabilitative housing and supervision services for the population specified in subdivision (b) of Section 1990. In making allocations, the Board of Supervisors shall consider the plan required in Section 1995. Any entity receiving a direct allocation of funding from the Board of Supervisors under this section for any secure residential placement for court ordered detention will be subject to existing regulations. ~~A~~ *With the exception of county probation departments, a* local public agency that has primary responsibility for prosecuting or making arrests or detentions shall not provide rehabilitative and supervision services for the population specified in subdivision (b) of Section 1990 or receive funding pursuant to this section:

(1) For the ~~2021-22~~ *2021-22* fiscal year, thirty-nine million nine hundred forty-nine thousand dollars (\$39,949,000) shall be appropriated from the General Fund to provide appropriate rehabilitative and supervision services for the population specified in subdivision (b) of Section 1990 based on a projected average daily population of 177.6 wards. The by-county distribution shall be based on 30 percent of the per-county percentage of the average number of wards committed to the Department of Corrections and Rehabilitation, Division of Juvenile Justice, as of December 31, 2018, June 30, 2019, and December 31, 2019, 50 percent of the by-county distribution of juveniles adjudicated for certain violent and serious felony crime categories per 2018 Juvenile Court and Probation Statistical System data, updated annually based on the most recently available data, and 20 percent of the by-county distribution of all individuals between 10 and 17 years of age, inclusive, from the preceding calendar year.

(2) For the ~~2022-23~~ *2022-23* fiscal year, one hundred eighteen million three hundred thirty-nine thousand dollars (\$118,339,000) shall be appropriated from the General Fund to provide appropriate rehabilitative and supervision services for the population specified in subdivision (b) of Section 1990. The by-county distribution is based *on* the per-county percentage referenced in paragraph (1) of subdivision (a) and a projected average daily population of 526 wards.

(3) For the ~~2023-24~~ *2023-24* fiscal year, one hundred ninety two million thirty-seven thousand dollars (\$192,037,000) shall be appropriated from the General Fund to provide appropriate rehabilitative and supervision services for the population specified in subdivision (b) Section 1990. The by-county distribution is based the per-county percentage referenced in paragraph (1) of subdivision (a) and a projected average daily population of 853.5 wards.

(4) For the ~~2024-25~~ *2024-25* fiscal year and each year thereafter, two hundred eight million eight hundred thousand dollars (\$208,800,000) shall be appropriated from the General Fund to provide appropriate rehabilitative and supervision services for the population specified in subdivision (b) of Section 1990 based on a projected average daily population of 928 wards. The Governor and the Legislature shall work with stakeholders to establish a distribution methodology for the funding in this paragraph by January 10, 2024, and ongoing that improves outcomes for this population.

(5) The Department of Finance shall increase to no more than two hundred fifty thousand dollars (\$250,000) the award amount for any county whose allocation as calculated pursuant to paragraphs (1), (2), (3), and (4) totals less than two hundred fifty thousand dollars (\$250,000). The appropriation in paragraphs (1), (2), (3), and (4) shall be increased by the amount(s) needed to bring each counties allocation to \$250,000.

(b) Commencing with the ~~2024-25~~ *2024-25* fiscal year, the allocations determined by paragraphs (4) and (5) of subdivision (a) and shall be adjusted annually by a rate commensurate with any applicable growth

in the Juvenile Justice Growth Special Account in the prior fiscal year. Each year this growth shall become additive to the next year's base allocation.

(c) By ~~September~~ July 1, 2021, and each ~~September~~ July 1 annually thereafter, the Department of Finance shall allocate the amount calculated in paragraphs (1), (2), (3), (4), and (5) of subdivision (a) from the General Fund and provide a schedule for the allocation of funds among counties to the ~~State~~ Controller. The ~~State~~ Controller shall allocate these funds ~~in monthly installments according to the same schedule for allocations from the Youthful Offender Block Grant Special Account.~~ *no later than August 1 each year, consistent with the schedule provided by the Department of Finance.*

SEC. 21. Section 2250 of the Welfare and Institutions Code is amended to read:

2250. (a) Nine million six hundred thousand dollars (\$9,600,000) is hereby appropriated from the General Fund to the Youth Programs and Facilities Grant Program, which shall be administered by the Board of State and Community Corrections, to award one-time grants, to counties for the purpose of providing resources for infrastructure related needs and improvements to assist counties in the development of a local continuum of care.

(b) Each entity receiving a grant from the Youth Programs and Facilities Grant Program shall submit a detailed report to the office with the following information:

(1) An accounting of expenditures.

(2) A description of the physical and system enhancements made.

(3) How many regional placement beds were supported with the funding.

(4) What proportion of the regional placement beds were contracted to other counties and which counties.

(c) ~~A~~ *With the exception of county probation departments,* a local public agency that has responsibility for making arrests and detaining suspects as its primary responsibility, or which is responsible for prosecutions, is ineligible to apply for this grant.

(d) Funds from the Youth Programs and Facilities Grant Program shall not be used by counties to enter into contracts with private entities whose primary business is the custodial confinement of adults or youth in a prison or prison-like setting.

(e) (1) The Board of State and Community Corrections shall complete and submit, no later than October 1, 2024, a report to the budget and public safety policy committees of the Legislature describing the expenditures of the Youth Programs and Facilities Grant Program, including, but not limited to, recipients and award amounts, how funding was spent, how many regional placements were supported and a detailed description of the counties that contracted to utilize the regional facility beds. The report shall also be made available to the public on the board's internet website.

(2) The report required by paragraph (1) shall be submitted in compliance with Section 9795 of the Government Code.

(f) Any costs incurred by the office in connection with the development or administration of the grant program shall be deducted from the amount appropriated before awarding any grants, not to exceed five percent of the amount appropriated.

(g) This chapter shall remain in effect only until January 1, 2026, and as of that date is repealed.

SEC. 22. Fifty thousand dollars (\$50,000) is hereby appropriated from the General Fund in the 2021–22 fiscal year to the Adult Reentry Grant administered by the Board of State and Community Corrections to support rental assistance programs.

SEC. 23. This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.

Informational Item without Presentation: Legislative Update
Attachment Four
Memo on Administration of Justice (AOJ) Legislation



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EXECUTIVE DIRECTOR

Graham Knaus

April 14, 2021

To: Members of the Administration of Justice Policy Committee

From: Josh Gauger, Legislative Representative, Administration of Justice
Stanicia Boatner, Legislative Analyst, Administration of Justice

RE: **Administration of Justice Legislation – Informational Item**

Background. There are several important legislative deadlines in the coming months. April 30 is the last day for policy committees to hear and report to Appropriations Committees fiscal bills introduced in their house and May 7 is the last day for policy committees to hear and report to the Floor non-fiscal bills introduced in their house. Due to cost concerns, many bills get held in the Appropriations Committees or significantly amended at the subsequent May 21 fiscal committee deadline. All bills must be passed by their house of origin by June 4. Any bills that fail to meet these deadlines typically will not proceed in the legislative process, unless they are the subject of rule waivers. CSAC Administration of Justice staff is engaging on, or tracking, a wide range of legislative issues, such as Division of Juvenile Justice (DJJ) implementation, criminal justice fines and fees, homelessness, and bail reform. Below is a more detailed discussion of AOJ’s current top priority bills based on the annual priorities set by the AOJ Policy Committee.

Juvenile Justice. The Governor introduced a proposal with the 2020-21 May Revision budget proposal to “realign” responsibility to counties for youthful offenders currently eligible for commitment to the state DJJ. Ultimately Chapter 337, Statutes of 2020 (SB 823), was signed into law to carry out this “realignment.” SB 823, among other provisions, generally closes DJJ intake July 1, 2021 as long as an allocation is being provided to counties; provides an annual allocation to counties to carry out this responsibility; requires each county to establish a subcommittee of the juvenile justice coordinating council charged with developing the county’s realignment plan; and states legislative intent to create a separate jurisdictional track for “higher need youth.”

- **SB 92 (Committee on Budget and Fiscal Review)** allows counties to establish secure youth treatment facilities for wards who are 14 years of age or older who have been adjudicated and found to be a ward of the court based on an offense that would have resulted in a commitment to the Division of Juvenile Justice. The bill also requires the submission of a rehabilitation plan to the court from county probation departments and allows youth to be transitioned from secure youth treatment facilities to less restrictive environments. Additionally, the bill would

require the State Controller to allocate SB 823 funds to counties by August 1 of each year. SB 92 is currently on the Assembly Floor. CSAC Position: Watch.

- **SB 493 (Bradford)** would make changes to the Juvenile Justice Crime Prevention Act (JJCPA) grant program including redirecting 95% of the funds away from county probation departments and to Community Based Organizations or non-law enforcement departments. Additionally, the bill makes various changes to JJCPA reporting and data collecting and alters the composition of local multiagency juvenile justice coordinating councils. SB 493 is set to be heard in the Senate Public Safety Committee on April 20. CSAC Position: Oppose.

Criminal Fines and Fees. There is wide recognition that today's system of assessing criminal fines and fees is overly complex, and its financial and legal implications are often crippling for those who can least afford them. But, for decades the Legislature has funded a wide array of criminal justice programs using fine and fee revenue. Many such examples date back to the 1990s when the state was facing a multi-billion-dollar deficit. As numerous and diverse programs and reforms have been enacted by the State, many have been accompanied by an associated fee as a funding source. Counties rely on the current funding structure now in place and the funding is critical to ensuring counties can continue to carry out a number of these programs. The recently enacted AB 1869 eliminates the ability for counties to collect certain administrative criminal justice fees and provides a \$65 million annual backfill for lost revenue. CSAC will continue to work with the Legislature, Administration, and stakeholders to determine a methodology for distributing this funding and advocate for county interests on any future legislation.

- **SB 586 (Bradford)** eliminates several criminal justice related fines and fees (67 to be exact). The measure aims to reduce the disproportionate impact that the current system of criminal justice fines and fees has on low-income individuals. However, the bill does not provide sustainable backfill funding to counties and essentially shifts the fiscal burden for core programs and services from court-involved individuals to the counties. SB 586 is substantially similar to SB 144 (Mitchell, 2019/20) which CSAC opposed until it was transitioned to a smaller scope AB 1869 and backfill funds were included for counties. SB 586 passed out of the Senate Public Safety Committee and is waiting to be heard in the Senate Appropriations Committee. CSAC Position: Concerns.

Bail. The Legislature's interest in bail reform continues after the passage of Chapter 244, 2018, (SB 10) but failure of the subsequent referendum of Proposition 25 in November. CSAC will continue to monitor all bail reform efforts in the legislature.

- **AB 329 (Bonta) and SB 262 (Hertzberg)** would require bail to be set at \$0 for all offenses except, among others, serious or violent felonies, violations of specified protective orders, battery against a spouse, sex offenses, and driving under the

influence. The bill would also require the Judicial Council to prepare, adopt, and annually revise a bail schedule for the exempt offenses and prohibits costs relating to conditions of release on bail from being imposed on persons released on bail or on own recognizance. CSAC Position: Watch.

Homelessness. Homelessness is a top priority for CSAC and counties. In addition to ongoing budget negotiations regarding the Governor’s proposed Project Homekey expansion, the Legislature is discussing several bills related to strategies for addressing homelessness in California. AB 816 is of significant interest given the likelihood it continues to move and the similarities to AB 3269 from last legislative session.

- **AB 816 (Chiu)** would, among other things, require local governments to develop actionable homelessness plans and meet benchmark goals to reduce homelessness. Additionally, the measure also establishes a Housing and Homelessness Inspector General to monitor state and local compliance and outlines a court intervention process. CSAC, UCC and RCRC took an “oppose unless amended” position on the substantially similar AB 3269 last year. Once the measure was proposed to be amended to a smaller scope local homelessness planning requirement, we moved to a “support” position but the bill was held in Senate Appropriations Committee. AB 816 is set to be heard in the Assembly Housing and Community Development Committee on April 29. CSAC Position: Oppose unless Amended.

Resources:

[Administration of Justice Legislative Tracking](#)

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