

# California Alliance for Youth and Community Justice

## Three Years of Legislative Victories: 2014 - 2016

*For the past three years, the California Alliance for Youth and Community Justice (CAYCJ) and its members have either sponsored or supported numerous bills that have been passed by the California Legislature and signed into law by the Governor. Together with the passage of Proposition 57 by the voters, these new laws represent massive reform in the California's juvenile justice system. Below is a list of many of the bills sponsored or supported by CAYCJ and its members in the past three years that are now law:*

### 2014

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**AB 1276 (Bloom): Greater access to programs for Youth in state prison:**

Requires CDCR to conduct an annual institutional classification review for each youth committed to the Department to assess the youth's readiness for classification at the lowest appropriate security level providing increased levels of programming.

**AB 2276 (Bocanegra): Education transition from detention:**

Ensures that juvenile justice-involved youth experience a successful educational transition when they return to their local schools, by specifying that as part of their existing responsibilities to coordinate education for youth in the juvenile justice system, county offices of education and probation departments develop a transition planning policy that includes collaboration with local educational agencies.

**AB 2607 (Skinner): Release from detention for youth ordered to out-of-home placement:**

Ensures that foster youth and other youth (including probation) ordered to out-of-home placements are not held in detention for extended period based on their dependency status, barring reasonable delays. It specifies that the probation officer's failure to identify an appropriate out-of-home placement or other administrative delays do not qualify as reasonable reasons to continue to detain a young person past the court's order to release.

**SB 1038 (Leno): Automatic dismissals and sealing of juvenile court records:**

Previous law provided a voluntary process by which a youth could file a petition to have court and arrest records in his or her juvenile case sealed after five years or on turning 18. SB 1038 provides instead that, upon successful completion of a term of probation for any offense not listed in WIC 707 (b) (serious offenses eligible for adult court prosecution), or upon completion of probation, the petition filed in the case shall be automatically dismissed and all court records sealed, and the offense shall be deemed not to have occurred.

**SB 1111 (Lara): Involuntary transfer to community schools:**

Provides revisions and reforms to protect the transfer rights and educational needs of students referred to or ordered transferred to county community schools. SB 1111 protects youth on probation from involuntary transfer to a county community school without parent or guardian

consent or an expulsion court order, and provides that probation or parole may not require that a youth not attending school enroll in a county community school without the youth's consent.

**SB 1296 (Leno): Prohibits detention for truancy:**

Before this bill passed, courts were not allowed to order youth to detention for truancy, but a loophole allowed courts to detain youth for violating court orders to attend school. SB 1296 removes this loophole, prohibiting courts from detaining youth for failing to attend school in violation of a court order. Its goal is to stem the school to prison pipeline; and cease the harmful criminalization of youth, in favor of addressing the root causes of truancy.

## **2015**

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**AB 424 (Gaines): Court appointed child advocates:**

Youth involved in dependency proceedings have the right to a Court Appointed Special Advocate (CASA) volunteer to offer support and services during the course of the court's jurisdictions. AB 424 authorizes judges to appoint CASAs to support youth in juvenile court delinquency proceedings as well.

**AB 666 (Stone): Youth record sealing:**

This bill cleaned up issues with the automatic record sealing bill previously passed. AB 666 expands sealing to records held by law enforcement, probation, and the Department of Justice and clarifies that after sealing, the arrest and proceedings shall be viewed as never having occurred, for the purpose of the young person filling out job and school applications.

**AB 703 (Bloom): Juvenile defense training and standards:**

AB 703 sets out minimum standards for counsel appointed to defend youth in delinquency proceedings. Standards include ensuring that attorneys pursue the expressed interests of the client; maintain confidentiality; confer and establish a meaningful relationship with the youth; and consult social workers, mental health professionals, and other experts as necessary.

**AB 899 (Levine): Protecting confidentiality of records regardless of immigration status:**

AB 899 clarifies that federal officials do not have access to the confidential case files of a youth in juvenile court without a granted petition following a hearing on release of the records. The purpose of the bill is to prevent counties from sharing confidential case files with federal officials particularly concerning a young person's immigration status.

**SB 261 (Hancock): Youthful parole hearings:**

In 2013, the legislature passed SB 260, which required youthful parole hearings after a young person convicted of an offense that occurred when he or she was under 18 serves 15-25 years in prison if he or she was sentenced to long prison terms. This bill extends the right to these hearings to people who were under 23-years-old at the time of their offenses. It aligns with the latest brain science and adolescent development research indicating that young people are not fully developed until their early 20s and are capable of rehabilitation and transformation.

**SB 382 (Lara): Modifies criteria for "fitness" hearings on transfers of youth to adult court and remands to juvenile court:**

This bill gives additional guidance to judges in deciding whether a young person should be prosecuted in juvenile or adult court. It clarifies that judges can and should consider certain information about a youth's potential for rehabilitation, maturity, history of trauma, behavior, direct involvement in harm done in the offense, age, intellectual capacity, mental health, and other mitigating factors. Given the passage of Proposition 57, which places all decisions regarding charging youth as adults in the hands of judges, this earlier revision to the fitness hearing process is even more important.

**SB 238 (Mitchell): Psychotropic medication oversight:**

This bill provides additional oversight and guidance for the administration of psychotropic medication to youth in the child welfare or juvenile justice systems. It requires the Judicial Council to amend rules regarding court orders on the administration of psychotropic medications to ensure that youth and their caregiver or advocate have an opportunity to provide input on the medication. This bill primarily protects youth in the child welfare system from over-prescribing, but also provides some additional protection for youth in the juvenile justice system.

**SB 504 (Lara): Waiving fees for juvenile record sealing:**

Removes barriers to record sealing for youth in juvenile court, by requiring that courts waive fees and court costs for youth under 26-years-old who petition to have their records sealed. Previously, courts charged youth a \$150 sealing fee, creating a significant barrier for youth seeking to have their records cleared.

## **2016**

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**SB 1143 (Leno): Juvenile detention room confinement:**

After several years of trying to end the detrimental practice of solitary confinement for youth in the juvenile justice system, advocates worked with the legislature to pass SB 1143 to significantly limit the use of room confinement for youth in juvenile facilities. The new law mandates that room confinement shall not be used before less restrictive options have been exhausted; shall not be used for purposes of punishment, coercion, convenience or retaliation by staff; and shall not be used to the extent it compromises the mental or physical health of the minor.

**AB 1843 (Stone): Limits on employer inquiries into juvenile offense history:**

Clarifies existing law that an employer may not ask a job applicant about juvenile justice system history, including any juvenile justice arrest, prosecution, diversion or adjudication event. The Labor Code presently provides that an employer may ask a job applicant about a criminal conviction; this bill adds a definition of "conviction" to Section 432.7 that specifically excludes juvenile justice processing or adjudication.

**AB 1998 (Campos): Juvenile Justice Data:**

Changes local data reporting requirements for two juvenile justice grant programs to improve data collection and analysis. AB 1998 adopts the recommendations of the Juvenile Justice Data Working Group to revise and simplify local reporting requirements, by combining reporting for the Juvenile Justice Crime Prevention Act (JJCPA) and Youthful Offender Block Grant (YBOG) programs into one streamlined report to the Board of State and Community Corrections (BSCC).

It also requires the BSCC to adopt recommendations for counties to disaggregate juvenile justice caseload and performance outcome data by race and ethnicity.

**AB 2005 (Ridley-Thomas): Out-of-state placements:**

Requires the juvenile court, prior to ordering the placement of a ward in an out-of-state residential facility or program, to find by clear and convincing evidence that the placement "... is the most appropriate and is in the best interests of the minor and that in-state facilities or programs have been considered and are unavailable or inadequate to meet the best interests of the minor."

**AB 2813 (Bloom): Detention of dependent minors upon referral to probation:**

Prohibits probation officers from detaining youth based on their dependency status. Formerly, the probation officer could decide to detain a youth if for certain reasons of abuse, neglect, or absence he or she could not be placed with a parent, guardian, or relative. AB 2813 deletes these factors from consideration, so that a probation officer may only decide to detain a youth if the officer determines it necessary for the youth's own safety or the safety of another, if the youth is a flight risk, or if the youth has violated a court order.

**SB 527 (Liu): Safe neighborhood and schools grant program:**

Proposition 47 enacted the Safe Neighborhoods and Schools Fund, and required that 25 percent of this fund go towards grants for truancy and dropout prevention and reduction. SB 527 establishes the Learning Communities for School Success Program under the Department of Education to administer distribution of these grant funds. The bill specifies that the fund will award grants to K-12 schools to support "evidence-based, non-punitive programs and practices" to prevent truancy and dropout. Included in examples of activities the grant program may fund are restorative justice models to reduce suspensions and referrals to law enforcement. SB 527 prohibits grant funds from being used for law enforcement activities.

**SB 882 (Hertzberg): Ending the criminalization of youth for transit evasion:**

This bill ends criminal penalties for youth who fail to pay transit fares, and allows only administrative adjudication of these violations – similar to parking tickets. It keeps low-income youth from spiraling into the criminal justice system for minor violations that result from a young person's inability to pay a fare. In many counties, before the enactment of this bill, transit violations were the number one criminal citation for youth.

**SB 1322 (Mitchell): Exempting minors from prosecution for prostitution offenses:**

This bill exempts youth under 18 from being charged with prostitution. It instead provides that they may be adjudged wards of the court. It also provides that they may be taken into temporary custody if necessary for their health and safety.

**SB 1084 (Hancock): Juvenile life-without-parole (LWOP) cleanup.**

In compliance with the U.S. Supreme Court ruling in *Miller v. Alabama* (2012) that youth cannot be subject to mandatory life without parole sentences (LWOP), California passed legislation to allow resentencing hearings for people sentenced to LWOP for offenses committed when they were minors. SB 1084 clarifies that such a person may petition for recall and resentencing after serving 15-years.