

1996

Summary of Significant Juvenile Justice Assembly Bills Passed by the Public Safety Committee

Assembly Public Safety Committee, Subcommittee on Juvenile Justice

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Assembly Public Safety Committee

Subcommittee on Juvenile Justice

*Assemblyman Jan Goldsmith
Chairman*



*Summary of Significant
Juvenile Justice Assembly Bills
Passed by the Public Safety Committee*

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California Legislature

Subcommittee on Juvenile Justice

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May 20, 1996

Dear Friends,

For the first time in the history of California we experienced a consecutive drop in all crime categories for the years 1994 and 1995.¹ Many believe that the adult crime rate is dropping in great part because of the "Three Strikes and You're Out" law. We thank the voters of this State for their vision in voting overwhelmingly for the Three Strikes Initiative. However, we have been neglecting a near crisis situation in juvenile crime and we must turn our attention to this critical area now in order to avert an impending youth crime wave.

We cannot mislead ourselves about what the future holds. While adult crime is currently in decline, juvenile violent crime is increasing at an alarming rate. In California, the juvenile arrest rate for violent crime climbed 53% from 1985 to 1993 and juvenile arrest rates for homicide increased 125% over that same time period. Since 1989, juvenile homicide arrest rates have significantly exceeded the adult arrest rate for homicide. Experts predict that the number of teens will significantly increase over the next decade. As a result, youth crime will increase by at least another 29%, even if the overall arrest rate remains constant.² In plain terms, we are going to have an explosion of increasingly violent juveniles between the ages of 11-17 within the next 10 years.

Headlines today are startling enough. Four 15 and 16-year-olds were arrested in Lake Tahoe for the "thrill shooting" of a 59-year-old man; a 14-year-old murdered a 63-year-old retiree in Costa Mesa so he could steal the man's car; two girls, 13 and 15, beat a 32-year-old woman to the ground in order to steal her purse and her car in Los Angeles; 7 teenagers murdered a 14-year-old boy who was trying to reclaim a stereo his grandfather had given him in Tustin; and most recently a 6 year old boy stands accused of burglary and attempted murder of an infant in Richmond.

¹*Preliminary Report, Crime 1995*, California Department of Justice, handout, *Record Breaking Crime Plunge*

²*Juvenile Crime, Outlook for California*, Legislative Analyst's Office, May, 1995

Assembly Republicans expressed deep concern over these staggering statistics and predictions of future juvenile violent crime. In order to grapple with these serious issues and to provide a forum to discuss what changes the Legislature should make in the Juvenile Justice system, the Assembly created the Subcommittee on Juvenile Justice. I was appointed Chairman of the Subcommittee in late January.

During the months of March and April, we held three informational hearings throughout the state seeking input from practitioners in the Juvenile Justice system. We heard a variety of opinions from juvenile offenders, victims, district attorneys, public defenders, probation officers, law enforcement, judges, educators, the California Youth Authority, counselors, community-based organizations and experts.

Upon returning to Sacramento, the Subcommittee held hearings on an unprecedented number of bills in the Juvenile Justice arena. I would like to thank Governor Pete Wilson for his leadership and guidance in this issue area. Governor Wilson shares the Subcommittee's concern about the alarming increase in juvenile crime. Consequently, he is sponsoring 14 innovative Juvenile Justice reform bills that are working their way through the Legislature.

Upon the Subcommittee's recommendation, the Assembly Public Safety Committee passed 41 reform bills in 14 different subject areas within the Juvenile Justice system. 10 of the bills were sponsored by Governor Wilson.

It is my pleasure to provide you with a copy of this *Summary of Significant Juvenile Justice Assembly Bills Passed by the Public Safety Committee*. This book contains a summary of the 41 Assembly Bills authored by 24 different Assembly members. The forward to the summary contains a short synopsis of each Juvenile Justice Category and a brief description of the bills under each category. In the Summary section, we have included a description of each bill along with the Juvenile Justice Subcommittee and the Public Safety Committee vote. Additionally, for your convenience, we have included the relevant Code Sections that each bill purports to amend.

It is my hope that providing you with a summary of these bills will allow you to start a dialogue in the various communities within our great State about these Assembly proposals. Please use this book as a resource guide.

The work of the Subcommittee has just begun. Our goals remain unchanged. We plan to sift through various proposals for change, to examine what works in our juvenile justice system and what doesn't, and to seek input from as many people and organizations as possible. We continue to have an open mind, a willingness to learn and an eagerness to listen. Juvenile crime and juvenile justice have been issues that have been neglected for far too long.

However, we must acknowledge the fact that government cannot cure all social ills. Many of the problems we are discussing are rooted in the break-up of the traditional two-parent family, declining moral values, the welfare system and intransigent economic conditions.

Government does, however, have an important role to play -- in fighting crime, in protecting abused and neglected children, in encouraging people on public assistance to stay off drugs and find useful employment. The obstacles to success may at times seem overwhelming, but we cannot surrender to the forces of lawlessness and despair. With hard work and the input of those who work in the juvenile justice system, I believe we can succeed.

If you have any comments, questions or input to give us, please contact Deborah Spagnoli, Chief Counsel to the Subcommittee. She can be reached at (916) 445-2484. We would like to hear from you.

Additionally, the Subcommittee has published a summary of the three informational hearings that we held in San Diego, Martinez and Los Angeles. This book summarizes the testimony we received from approximately 100 practitioners, juvenile offenders and victims. We included a history and background of the Juvenile Court, together with statistics and information on Juvenile Crime. This book is available upon request.

Thank you for your interest in Juvenile Justice reform. I look forward to continuing the dialogue we have started and obtaining bipartisan support for serious reform.

Sincerely,



Jan Goldsmith
Chairman



California Legislature

Subcommittee on Juvenile Justice

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**ASSEMBLY PUBLIC SAFETY COMMITTEE
SUBCOMMITTEE ON JUVENILE JUSTICE**

**SUMMARY OF SIGNIFICANT
JUVENILE JUSTICE ASSEMBLY BILLS
PASSED BY THE PUBLIC SAFETY COMMITTEE**

MAY, 1996



California Legislature

Subcommittee on Juvenile Justice

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BRIEF SYNOPSIS OF ASSEMBLY JUVENILE JUSTICE BILLS By Category

I. ALCOHOL & DRUGS

There are two bills in this category. One bill creates a new misdemeanor crime for anyone under the age of 21 who has a blood alcohol level of 0.01% or greater in any public place. Another bill in this category would establish a random Drug & Alcohol pilot program in San Diego County, whereby juveniles on probation would be subject to both random and regular drug and alcohol testing.

II. CONFIDENTIALITY OF PROCEEDINGS

There are three proposals regarding the confidentiality of juvenile proceedings. The Governor has a proposal that requires law enforcement to disclose the name and the offense allegedly committed by a minor who is 14 or older, if the crime is a serious or violent (W&I Code Section 707(b)) offense. This bill would also prohibit the sealing and the destruction of those records. District Attorney Gil Garcetti has a bill revising the entire juvenile court system. The bill description is located in the Jurisdiction category, but regarding confidentiality, the bill opens juvenile court proceedings to the public, just as in adult court. Finally, another proposal prevents the sealing of juvenile records if the petitioner requesting the sealing is involved in pending civil litigation relating to the criminal act that caused the juvenile records to be created.

III. DETENTION

There is one bill in this area. It allows a minor, 12 or older, (currently the age is 14) to be detained in a facility that contains a lockup for adults for either 12 or 24 hours (currently is 6 hours). Current law which states that the minors must be segregated from the adults remains unchanged in this bill.

IV. FIREARMS

There are three proposals in this area. The first proposal requires the detention of a minor, rather than release to his/her parent, if the minor used a firearm in the commission of an offense. The second proposal punishes licensed firearm dealers from knowingly supplying any firearm to a person under 18 by making the offense a straight felony rather than a wobbler and establishes an enhancement if the illegally transferred firearm was used in the commission of a felony for which a conviction is obtained. The last proposal requires the court to commit a minor to the CYA if the minor personally used a firearm during the commission of a violent or serious felony.

V. FUNDS/FACILITIES

There are two proposals in this category. The first one appropriates an unspecified sum from the General Fund for allocation to counties for the construction of juvenile boot camps where the voters have approved a local tax for constructing those facilities. The second proposal authorizes The Department of the Youth Authority to construct and establish 10 new living units in various counties and appropriates \$142,495,000 from the 1996 Prison Construction Fund for those units. Additionally that bill authorizes \$150,000,000 to be used for the construction, remodeling, and replacement of county juvenile facilities, subject to voter approval.

VI. GANGS/STEP ACT

There are three proposals in this area. 1) Continues the California Street Terrorism Enforcement and Prevention Act (STEP Act) which is set to sunset on January 1, 1997 and adds additional enhancements to the Act; 2) allows local governments to apply for gang suppression funds; and 3) increases the enhancement to a maximum of 10 years for any person who is convicted of a felony committed for the benefit of... a criminal street gang.

VII. GRAFFITI

There are three proposals in this area. One proposal authorizes the court to order the person and/or parent, upon conviction of a graffiti offense, to keep the formerly defaced property free of graffiti for a period of time. Another proposal makes the offense of graffiti which has a defacement value of between \$400 and \$5,000 a felony rather than a misdemeanor and requires a judge to revoke a minor's driver's license when he/she commits a graffiti offense. The third proposal increases the fines and community service time for graffiti offenses to government property.

VIII. JURISDICTION

There is one proposal in this area that authorizes attorneys (the District Attorney and the attorney of record for the minor) to issue subpoenas in juvenile cases.

IX. JURISDICTION/FITNESS HEARING WAIVERS

This is a major area of juvenile reform legislation. Currently there are eight proposals in this area, two of which substantially change the jurisdiction of juvenile court.

- 1) The Governor proposes an addition to the present "judicial waiver" system, where there is a "prosecutor direct filing" procedure that would allow prosecutors to file an action against a minor over the age of 14 in adult court in the most serious of cases.
- 2) District Attorney Garcetti proposes a total revision of the Juvenile Court system. In the jurisdiction area he proposes statutorily removing murder cases from juvenile court, as well as removing the most serious and violent offenses from juvenile court when they are committed by 16 or 17 year olds. Garcetti proposes changing the purpose of juvenile court; revising the waiver system by permitting presumptive waivers for minors 14 and older for serious crimes; broadening public access and confidentiality rules; patterning probation violation proceedings after adult court, and establishing an informal court where police may send first time non-violent cases.
- 3) This proposal empowers parents and the Juvenile Court by authorizing the Court to detain status offenders (truants, incorrigibles, run-aways, and curfew violators) in a county secured facility for up to 6 months.
- 4) This proposal takes a Three Strikes and You're In Adult Court approach to certain juvenile offenders. If a minor commits a serious or violent offense and has previously been adjudged a ward of the court on the basis of the commission of two prior serious or violent offenses, the case will automatically be transferred to adult court.

Similarly, if a minor commits any felony and has twice been found to have committed prior felony violations for which he or she was ordered held in physical confinement, the case will automatically be transferred to adult court.

5) Revises fitness waiver presumptions to provide that the commission of any felony by a minor who is 14 years of age or older raises a presumption that the juvenile is unfit for juvenile court.

6) Adds manslaughter and burglary to the list of felonies under which a minor, 16 or older is presumed unfit for juvenile court.

7) Requires fitness hearings to be held by duly appointed or elected superior court judge or a municipal court judge serving on assignment to the juvenile court rather than referees or commissioners who are unelected and unaccountable to the public.

8) Requires that when a minor, 14 or older, commits a serious or violent felony and has previously been adjudicated and found to be a ward of the court on the basis of the commission of certain enumerated offenses, the minor shall be transferred to adult court.

X. JURISDICTION/TRAFFIC HEARING OFFICERS

There are two bills in this area. One allows juveniles who commit Vehicle Code infractions to be dealt with in the Municipal Court rather than in Juvenile Court, and the other bill provides for Juvenile Court Commissioners to preside over juvenile infraction and misdemeanor cases.

XI. PARENTAL RESPONSIBILITY

There are four areas that are addressed regarding parental responsibility and punishment of the parents. They are 1) curfew violations and establishing the offense of "failing to supervise a child"; 2) restitution payments; 3) truancy; and 4) making parents responsible for the costs of electronic monitoring.

XII. PROBATION/PAROLE

There are two proposals in this area. One provides for warrantless searches as a condition of probation, and the other requires the biennial review of a juvenile committed to CYA rather than the annual review currently required. The second proposal also limits the ability of a court to place a minor on probation -- the minor can receive probation only once if he or she has committed a violent or serious offense.

XIII. REPEAT OFFENDERS

There is one proposal in this area that establishes programs to reduce recidivism among juvenile offenders.

XIV. WARDS: CYA OR COUNTY

There are four proposals in this category. 1) Requires the court to order a "602" minor (a minor adjudged a ward of the court due to the commission of a misdemeanor or felony offense) to perform community service and either delay or suspend the minor's driving privileges; 2) allows for the licensing and establishment of privately operated boot camps; 3) authorizes the Director of the Youth Authority to waive certain requirements such as vocational training and work experience for illegal aliens; 4) establishes within the CYA a correctional education authority.



California Legislature

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SUMMARY OF JUVENILE JUSTICE BILLS¹

I. ALCOHOL & DRUGS

****** Makes it a misdemeanor for any person under the age of 21 years to have a blood-alcohol concentration of 0.01% or greater while on any street or highway or in any public place or in any place open to the public. This bill addresses a gap in the law -- nothing prohibits those under 21 from having alcohol in their system. Amends Section 25662 of the Business & Professions Code. **(AB 2545 - K. Murray)**

Juvenile Justice Subcommittee vote: 3-0, 4/23/96; Public Safety vote: 8-1, 4/23/96

****** Establishes a random drug & alcohol testing pilot program in San Diego County. Juveniles adjudicated wards of the court would be required to undergo a drug and alcohol Assessment screening process. If a juvenile is found to need drug and/or alcohol education or rehabilitation, he or she would be required to complete a drug and/or alcohol Orientation program that includes education, intervention and mentoring. These juveniles would be required, as a condition of their probation, to be subject to both random and regular drug and alcohol testing at various drug testing centers. In all counties, this bill authorizes a minor who is declared a ward of the court for any reason, to be required to participate and complete an alcohol or drug education program in the counties that provide such programs, as ordered by the court. Additionally authorizes the juvenile court to require random drug and alcohol testing or both, as a condition of probation. Amends Section 729.10 and adds Section 729.12 to the Welfare and Institutions Code. **(AB 2564 - Goldsmith)**

Juvenile Justice Subcommittee vote: 3-0, 4/23/96; Public Safety vote: 9-0, 4/23/96

¹Bills designated with an asterisk (*) are part of the Governor's Juvenile Justice Crime Package.

II. CONFIDENTIALITY

** Requires rather than permits a law enforcement agency to disclose to the public the name of and the offenses allegedly committed by a minor who is 14 years of age or older and who is taken into custody for the commission of a serious/violent offense (W&I Code Section 707 (b)) at the time the minor is taken into custody.

Prohibits indefinitely the sealing of records in any case in which a juvenile has been found to have committed a 707(b) offense and would also prohibit the destruction of those records. Requires, in the case of a minor who has been found to have committed any felony, that the court notify the sheriff of the county or counties in which the minor resides and which the offense was committed, of that finding. Allows the sheriff to distribute this information, upon request, to other law enforcement personnel when reasonably necessary to prevent or control juvenile crime. Requires that information received pursuant to this section be kept confidential; an intentional violation of this confidentiality provision would be a misdemeanor punishable by a fine of up to \$500. Repeals Section 204.5, amends Section 781 & 826, adds Section 827.1 & amends Section 827.5 of the Welfare & Institutions Code. **(AB 3224 - Poochigian)***
Juvenile Justice Subcommittee vote: 3-2, 4/16/96; Public Safety vote: 8-5, 4/16/96

** Prevents the court from sealing the records in any juvenile case if the court finds that the petitioner is involved in pending civil litigation relating to the criminal act that caused the juvenile records to be created. Allows for the sealing of the records when the civil case is closed. Amends Section 781 of the Welfare & Institutions Code. **(AB 3294 -- Bordonaro)**
Juvenile Justice Subcommittee vote: 5-0, 4/16/96; Public Safety vote: 13-0, 4/16/96

III. DETENTION

** Revises current law to provide that a minor 12 years or older (instead of 14) who is taken into temporary custody by a peace officer on the basis of violating any specified provision of law defining a crime, and who, in the reasonable belief of the peace officer, presents a serious security risk of harm to self or others, or a flight risk, or who is alleged to have committed a misdemeanor or a felony, may be securely detained in a law enforcement facility that contains a lockup for adults, if certain conditions are met, including, but not limited to a maximum 12 hour period of detention in the law enforcement facility (currently is 6 hours), or when a felony is alleged to have been committed, a maximum 24 hour period of detention. Amends Section 207.1 of the Welfare & Institutions Code. **(AB 2534 - Miller)**

Juvenile Justice Subcommittee vote: 3-2, 4/16/96, Public Safety vote: 8-3, 4/16/96

IV. FIREARMS

** Requires the detention of a minor, rather than release of that minor to his parent or guardian, if the minor was taken into custody for committing an offense where he or she used a firearm during the commission of the offense. The judge will then have discretion as to whether this person is a candidate for pre-trial release. Amends Section 628 of the Welfare & Institutions Code. **(AB 2206 - Bowler)**

Juvenile Justice Subcommittee vote: 4-0, 4/16/96; Public Safety vote: 11-2, 4/16/96

** Prohibits licensed firearm dealers from knowingly supplying any firearm to a person under the age of 18 years, and prohibits dealers from knowingly providing a pistol, revolver or firearm capable of being concealed upon the person to any person under the age of 21, punishable by imprisonment in the state prison for 2, 3, or 4 years (under current law, this offense is a wobbler). Individuals convicted of multiple violations of knowingly transferring a firearm to a minor or a convicted felon would be subject to a full consecutive term for each violation. Establishes an enhancement (of 1, 2 or 3 years) when the illegally transferred firearm is used in the commission of a felony for which a conviction is obtained. Amends Section 12072 of the Penal Code. **(AB 3136 - Miller)***

Juvenile Justice Subcommittee vote: 5-0, 4/16/96; Public Safety vote: 11-2, 4/16/96

** Requires the court to commit a minor to the CYA who has been adjudged a ward of the court (W & I Code Section 602) by reason of the commission of one or more defined serious/violent felonies (707(b) of the W&I Code), where the minor personally used a firearm during the commission of the offense. The court will have no discretion to impose a sentence other than confinement in the Youth Authority. The purpose of the bill, according to the sponsor, is to ensure that juveniles who have demonstrated a propensity for violent actions be incarcerated. Adds Section 731.1 to the Welfare & Institutions Code. **(AB 3114 - Bowler & Goldsmith)***

Juvenile Justice Subcommittee vote: 4-0, 4/16/96; Public Safety vote: 8-0, 4/23/96

V. FUNDS/FACILITIES

**** Appropriates an unspecified amount from the General Fund to the Controller for allocation to counties for the construction of juvenile boot camps or other juvenile facilities. The money is allocated on a matching basis, to counties in which the voters have approved a local tax or bond measure for the purpose of construction of these facilities (Tulare County voters recently enacted a half cent sales tax increase which is dedicated to combating juvenile crime and which is expected to generate \$26 million over the three year life of the measure). Amends Section 731.2 of the Welfare & Institutions Code. (AB 2511 - Bustamonte)**

Juvenile Justice Subcommittee vote: 4-0, 5/7/96; Public Safety vote: 10-0, 5/7/96

**** Authorizes the Department of Corrections to construct 4 new medium and maximum security prisons and 2 new reception centers throughout the state, and to expand a prison camp. Appropriates \$25,400,000 from the General fund for the preconstruction activities related to those provisions.**

Authorizes the Department of the Youth Authority to construct and establish 10 new living units in various counties, and would appropriate \$142,495,000 from the 1996 Prison Construction Fund for those units.

Authorizes \$150,000,000 to be used for the construction, reconstruction, remodeling, and replacement of county juvenile facilities.

Enacts the "Three Strikes" Violent and Career Criminal Detention Bond Act of 1996, which, if adopted, would authorize the issuance of bonds in the amount of \$2,616,000,000 to provide for the acquisition, construction, renovation, remodeling, and deferred maintenance of state and local youth and adult correctional facilities for the November ballot. Adds Chapter 19 (commencing with Section 7480) to Title 7 of Part 3 of the Penal Code. (AB 3116 - Brulte)*

Juvenile Justice Subcommittee vote: N/A; Public Safety vote: 10-3, 4/16/96

VI. GANGS/STEP ACT

****** Continues the California Street Terrorism Enforcement and Prevention Act (The STEP Act), which is set to be repealed on 1/1/97. The STEP Act prohibits any person from actively participating in any criminal street gang with knowledge that its members engage in or have engaged in a pattern of criminal gang activity. It also prohibits any person from willfully promoting, furthering, or assisting in any felonious criminal conduct by members of that gang. This activity is punished by imprisonment in a county jail for a period not to exceed one year, or by imprisonment in the state prison for 16 months, or 2 or 3 years. The STEP Act also provides that any person who is convicted of a felony committed for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further or assist in any criminal conduct by gang members, shall, upon conviction of that felony, in addition and consecutive to that punishment, be punished by an additional term of 1, 2 or 3 years.

This bill provides that if the person commits this felony in a place that the person knows or reasonably should know is a school zone, the additional punishment shall be 2, 3 or 4 years. Further, this bill provides that any person convicted of a misdemeanor committed for the benefit of... any criminal street gang, shall be punished by imprisonment in the county jail for a period not to exceed one year, or by imprisonment in the state prison for 16 months, or 2 or 3 years. Includes in the definition of "pattern of criminal gang activity", a sustained juvenile petition for or conviction of 2 or more of the defined offenses, provided that one of the offenses occurred after the effective date of this bill and the last of those offenses occurred within 5 years after a prior offense. Adds to the offense list: 1) conspiracy to commit one of the offenses and 2) threats to commit a crime, as defined. Authorizes testimony by an expert on gangs and gang activity regarding matters covered by the STEP Act. This authorization would extend to hearsay information submitted by law enforcement personnel or contained in court documents and declares that this expert testimony is sufficient, without further corroboration, to prove the truth of the matter expressed in the opinion of the expert. Amends Section 186.22 of the Penal Code and repeals Section 186.27 of the Penal Code. **(AB 2035 - Frusetta)**

Juvenile Justice Subcommittee vote: 5-0, 4/9/96; Public Safety vote: 9-1, 4/16/96

****** Allows local governments, along with non-profit community-based organizations, to apply for gang suppression funding currently available from the Office of Criminal Justice Planning by expanding the definition of "community based" organizations to include public park and recreation agencies, public libraries and public community service departments. Amends Section 13826.6 of the Penal Code. **(AB 3365 - Campbell)**

Juvenile Justice Subcommittee vote: 5-0, 4/9/96; Public Safety vote: 13-0, 4/16/96

**** Increases the punishment enhancement for any person who is convicted of a felony committed for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members. Provides that the enhancement not exceed 10 years instead of the current provisions that provide for a punishment enhancement of 1, 2 or 3 years at the court's discretion. Amends Section 186.22 of the Penal Code. (AB 2065 - Knight)**

Juvenile Justice Subcommittee vote: 3-1, 4/9/96; Public Safety vote: 10-2, 4/16/96

VII. GRAFFITI

**** Authorizes the court to order, in a jurisdiction that has adopted a graffiti abatement program, upon conviction of a graffiti related offense, the person, parents or guardians to keep the formerly defaced property free of graffiti for a specified period of time. The court may also order any person ordered to perform community service or graffiti removal pursuant to this section to undergo counseling. Amends Section 53069.3 of the Government Code, Sections 594, 594.1, 594.6, 594.8, 640.5, 640.6, and 4024.2 of the Penal Code, Section 13202.6 of the Vehicle Code, and Section 729.1 of the Welfare & Institutions Code. (AB 2295 - Sweeney)**

Juvenile Justice Subcommittee vote: 5-0, 4/9/96; Public Safety vote: 12-0, 4/16/96

**** Makes the offense of graffiti which has a defacement value of between \$400 and \$5,000 a felony or misdemeanor (currently only is a misdemeanor) punishable by 16 months, 2 or 3 years in state prison. Additionally requires a judge to revoke a minor's driver's license or suspend eligibility for a driver's license when a minor commits these graffiti offenses. Amends Section 594 of the Penal Code and Section 13202.6 of the Vehicle Code. (AB 2331 - Goldsmith)**

Juvenile Justice Subcommittee vote: 5-0, 4/9/96; Public Safety vote: 10-2, 4/16/96

**** Increases fines and community service time for graffiti offenses to government buildings or vehicles. Doubles the maximum fine and community service time for the first and second offense and doubles the community service time for a third offense and imposes a fine, not to exceed \$3,000 for the third offense. Additionally provides for a penalty of up to one year of county jail time, a fine of up to \$5,000 and 480 hours of community service for freeway graffiti. Amends Section 640.5 and 640.6 and adds Section 640.8 to the Penal Code. (AB 2433 - Harvey)**

Juvenile Justice Subcommittee vote: 5-0, 4/9/96; Public Safety vote: 12-1, 4/16/96

VIII. JURISDICTION

**** Authorizes attorneys (both the District Attorney and the attorney of record for the minor), as well as the Clerk of the Court upon request or upon the Court's own motion, to issue subpoenas in juvenile cases. Currently, upon request of the probation officer, district attorney, the minor or the minor's parent, guardian or custodian, the court shall issue, and on the court's own motion, may issue subpoenas. Amends Sections 341 and 664 of the Welfare and Institutions Code. (AB 2007 -- K. Murray)**

Juvenile Justice Subcommittee vote: 4-0, 5/7/96; Public Safety vote: 11-0, 5/7/96

IX. JURISDICTION/FITNESS HEARING WAIVERS

** Recasts the judicial waiver system. Specifically, the bill adds to the present "judicial waiver" system a "prosecutor direct filing" procedure allowing prosecutors discretion to file an action in adult court in the most serious of cases. In general terms, the bill gives the prosecutor discretion to file an action in adult court against a minor 14 years of age or older where the minor is:

- 1) alleged to have committed an offense which if committed by an adult would be punishable by death or life in prison;
- 2) the minor is alleged to have personally used a firearm during the commission of or attempted commission of a felony;
- 3) the minor is alleged to have committed a 707 (b) offense (a serious/violent felony) and
 - a) the minor has previously been found to have committed a 707 (b) offense, or
 - b) the current 707(b) offense was to promote or assist a criminal street gang; or
 - c) the 707(b) offense was committed to deprive a victim of their rights because of the victim's race, color, religion, ancestry, national origin, disability, gender or sexual orientation; or
 - d) the minor personally inflicted great bodily injury during the commission of the 707(b) offense; or
 - e) the victim of the 707(b) offense was elderly or disabled.

This procedure would require a minor charged with the specified offenses to appear in the adult criminal court for arraignment. If, in the preliminary hearing, the court does not find reasonable cause to believe that the minor meets the criteria for discretionary direct criminal court filing, the court would be required to transfer the case to the juvenile court having jurisdiction. Amends Section 707 of the Welfare & Institutions Code. (AB 2143- Battin)*

Juvenile Justice Subcommittee vote: 3-0, 4/23/96; Public Safety vote: 9-0, 4/23/96

** Revises the Juvenile Court system. This is District Attorney Garcetti's proposal.

- 1) Statutorily removes murder cases from the juvenile court so that they may only be heard in adult court. Cases against 16 and 17 year olds who commit serious and violent offenses, now covered in W&I Code Section 707 (b) and Penal Code Sections 667.5 (c) and 1192.7 (c) can only be filed in adult criminal court.

2) Changes the purpose of the juvenile system. Stresses public safety, accountability and appropriate punishment. Deletes the best interests of the minor as a constraint on the interests of public safety and protection; deletes the restriction on the use of punishment as retribution.

3) Revises the waiver system permitting presumptive waivers for minors 14 years of age or older for serious crimes. The age for a waiver is lowered to 14 for 667.5(c) and 1192.7(c) offenses as well as offenses on the current 707(b) list that are not included in those sections. 16 and 17 year olds are subject to presumptive waiver for non 667.5(c) and 1192.7(c) crimes remaining in section 707(b). Waiver for offenses other than the new 707(b) offenses is permitted for 16 year olds. Establishes new standards, called factors, to determine whether public safety is served by retaining the minor.

The factors are 1) the circumstances and gravity of the offense alleged to have been committed by the minor, including, but not limited to, the use of any weapon, the presence of premeditation, deliberation or conspiratorial conduct, the degree of participation by the minor, the impact on any victim and any aggravating or mitigating factors set forth in the sentencing rules of the Judicial Council; 2) the minor's previous delinquent history, including whether the offense is part of a repetitive pattern of offenses; 3) the minor's past willingness, or lack thereof, to participate meaningfully in any programs offered by the court; 4) the adequacy of the punishment or programming available in the juvenile justice system; 5) the sophistication and maturity of the minor.

4) Allows the District Attorney to file cases directly without the necessity of a referral from probation. Removes the probation department as a mandatory screen before the police or any person can request the DA to file a petition in juvenile court. A police agency can continue to submit the matter for probation screening if it wishes.

Probation continues as the decision making body on post arrest/pre-arraignment custody. If probation decides to release the minor, probation must cite the minor to juvenile court.

5) Broadens public access and confidentiality rules.

- * Victims and members of the public are permitted to attend juvenile proceedings on the same basis as they would in adult criminal court.
- * The prosecution may request closure of an individual hearing if the life of the witness would be put at substantial risk.
- * The defense may request a closed hearing in certain circumstances.
- * Requires that the juvenile court grant victim requests for information identifying the minor perpetrator and parents or guardians.
- * Allows juvenile records to be used in criminal proceedings without the permission of the juvenile court.

* Permits the disclosure of the name of any minor arrested for a criminal offense. Repeals previous law permitting disclosure for serious crimes only.

6) Patterns probation violation proceedings after adult court. Empowers a juvenile court to enter a new disposition order for any probation violation, like in adult court. The burden of proof in such a matter is changed from beyond a reasonable doubt to a preponderance of the evidence. Abolishes court ordered informal probation. Probation can undertake this informal probation prior to filing -- once a case has been filed, this prefiling probation should not be available.

7) Establishes an informal court where police may send first time non-violent cases. This court would utilize traffic court procedures, assuring a swift appearance in court. Attorneys would not be involved. Sanctions would include driver's license suspension and community service.

* Specifically, in dealing with misdemeanor conduct, police will have the opportunity to direct the case initially to the informal court or to juvenile court via the citation process.

* The jurisdiction of the proposed Informal Court is expanded to allow a hearing officer to handle any infraction or misdemeanor for which a peace officer may cite pursuant to PC sections 827.1 and 853.6a, any status offenders pursuant to W&I Sections 601 or 601.3 and any parent charged with infractions pursuant to Education Code Sections 48291 or 48454.

* Excludes from the Informal Court's jurisdiction any crime involving a firearm, any minor who has previously been declared a ward of the court or has been previously charged in the informal court, and any parent who has a prior Education Code infraction.

* Police, probation or SARB may cite directly to this court. Peace officers and school administrators may cite juveniles and their parents to appear in this court. It would also allow 601's to be dealt with by this court.

* Since the informal court cannot impose custody as a sanction, no one is entitled to a court appointed attorney. No prosecutors will appear in this court since they do not initiate any of the proceedings. Although a minor or parent could appear with retained counsel, this would be a rarity in view of current traffic court practice.

* The informal court will be able to impose fines, suspend a minor's driver's license and impose restitution and counseling as well as probation upon the minor and the minor's parent or guardian. The juvenile hearing officer is also given power to order community service, school attendance, curfew adherence and urine testing.

* The Education Code infraction dealing with parent responsibility in truancy matters is placed within the jurisdiction of the informal court. A juvenile hearing officer may also order the parent to pay restitution to the victim and participate in diversion, counseling, or educational programs. Makes the violation of an order of the informal court a misdemeanor.

* Closes informal court hearings, but allows victims to be admitted.

* Requires the juvenile hearing officer to possess the same qualifications as a referee appointed pursuant to W&I Section 247. Amends Sections 272 & 853.6a of the Penal Code, amends Sections 202, 207.1, 208.1, 255, 256, 256.5, 257, 258, 260, 261, 262, 263, 601.2, 601.4, 602, 603, 604, 626.5, 629, 630, 652, 654, 654.1, 654.3, 654.4, 654.6, 663, 707, 707.01, 707.1, 727, 777, 781, 826, 827, & 827.5, amends and renumbers Sections 655.5 and 676.5, amends and repeals Section 653.5, and repeals Sections 204.5, 653.1, 653.7, 654.2, 655, 675, and 676 of the Welfare & Institutions Code. **(AB 2723 - Hawkins)**

Juvenile Justice Subcommittee vote: 4-0, 4/23/96; Public Safety vote: 10-0, 4/23/96

** Empowers parents and the juvenile court by giving the parents a place to take their incorrigible child and by authorizing the court to detain minors in a county secured facility for no longer than 6 months if the minor has been adjudged a ward of the court pursuant to Section 601 (status offenders: incorrigibility, curfew violators and truants). Amends Sections 207 and 601 of the Welfare & Institutions Code. **(AB 2531 - Goldsmith)**

Juvenile Justice Subcommittee vote: 3-0, 4/23/96; Public Safety vote: 8-0, 4/23/96

** This bill takes a Three Strikes and you're in adult court approach to certain juvenile offenders. If a minor commits any offense, defined to be a felony, the case shall be automatically transferred to an adult court of criminal jurisdiction if: a) on two previous occasions, the minor has been adjudged a ward of the juvenile court on the basis of the commission of an offense listed in subdivision (b) of Section 707 (serious/violent felony) OR b) on two previous occasions, the minor has been adjudged a ward of the juvenile court on the ground that the minor has been found to have committed an offense that was a felony, other than a felony defined in Section 707 (b), and in each case, the minor was ordered held in physical confinement. Adds Section 707.03 to the Welfare & Institutions Code. **(AB 2205 - Goldsmith & Bowler)**

Juvenile Justice Subcommittee vote: 4-0, 4/23/96; Public Safety vote: 9-0, 4/23/96

** Revises fitness waiver presumptions under W&I Code Section 707 so that the commission of any felony by a minor who is 14 years of age or older raises a presumption that the minor is not a fit and proper subject for Juvenile Court. Amends Section 707 of the Welfare & Institutions Code. **(AB 2527 - Miller)**

Juvenile Justice Subcommittee vote: 3-2, 4/23/96; Public Safety vote: 8-1, 4/23/96

**** Adds, among other things, “voluntary manslaughter” and “burglary” to the list of felonies under which a minor, 16 or older, may be presumed unfit for juvenile court. Expands the list of crimes for which minors can be tried as adults to include serious crimes. Amends Section 707 of the Welfare and Institutions Code. (AB 2595 - Boland)**

Juvenile Justice Subcommittee vote: 3-0, 4/23/96; Public Safety vote: 8-0, 4/23/96

**** Requires hearings held pursuant to Section 707 to determine the fitness of a minor for the jurisdiction of the juvenile court to be conducted by a duly appointed or elected superior court judge or municipal court judge serving on assignment to the superior court. Currently, court appointed referees who are unelected and unaccountable are given this authority. The purpose of the bill, according to the sponsor, is to ensure that juvenile court fitness determinations are made with greater accountability to the public, and to ensure that adequate consideration is given to the gravity of the offense and the protection of public safety. Adds Section 706.6 to the Welfare & Institutions Code. (AB 3067 - Frusetta)***

Juvenile Justice Subcommittee vote: 4-0, 4/16/96; Public Safety vote: 9-3, 4/16/96

**** Requires that where a minor, 14 or older who is alleged to come within the jurisdiction of the juvenile court on the basis of the commission of 707(b) offenses and who has previously been adjudged a ward of the juvenile courts on the basis of any of the following 707 (b) offenses: 1) murder; 2) arson; 3) robbery while armed with a dangerous or deadly weapon; 4) rape; 5) sodomy; 6) lewd or lascivious acts; 7) oral copulation; 8) penetration by a foreign object; 9) kidnapping for ransom; 10) kidnapping for purpose of robbery; 11) kidnapping with bodily harm; 12) attempted murder; 23) torture; 25) carjacking; 26) kidnapping with the intent to commit a sex crime; 27) kidnapping during a carjacking, shall be subject to criminal court jurisdiction, and would require the DA to file an accusatory proceeding in criminal court. Adds Section 707.03 to the Welfare & Institutions Code. (AB 2762 - Poochigian)**

Juvenile Justice Subcommittee vote: 2-0 4/23/96; Public Safety vote: 9-0, 4/23/96

X. JURISDICTION/TRAFFIC HEARING OFFICERS

****** In counties that adopt the provisions of this section, jurisdiction over the case of a minor alleged to have committed a violation of the Vehicle Code classified as an infraction or a violation of a local ordinance involving the driving, parking or operation of a motor vehicle, is with the municipal court, except that the municipal court may refer to the juvenile court for adjudication, cases involving a minor who has been adjudicated a ward of the juvenile court or who has other matters pending in the juvenile court. Provides that these cases shall not be governed by the procedures set forth in the juvenile court law. Authorizes all municipal court judges and commissioners to exercise the powers granted by existing law to traffic hearing officers. Amends Section 603.5 of the Welfare & Institutions Code. **(AB 2686 - Kaloogian)**
Juvenile Justice Subcommittee vote: 3-0, 4/23/96; Public Safety vote: 8-0, 4/23/96

******Provides for the appointment, compensation, powers and duties of Juvenile Court Commissioners who may hear and dispose of any case in which a minor under the age of 18 years is charged with any infraction or misdemeanor. Currently, traffic hearing officers perform these duties; however, the current traffic hearing officers will not lose their jobs, they will be deemed to be duly appointed as juvenile court commissioners, as long as they are not otherwise employed by a public agency or hold another public office. Requires that future Juvenile Court Commissioners be members of the California State Bar. Provides for the salaries of these commissioners at a amount equal to that of a full time juvenile court referee appointed pursuant to Section 247.

Allows juvenile court commissioners to hear any infraction or misdemeanor case, whether or not the misdemeanor is filed as a formal petition or a notice to appear. They are only currently allowed to hear infraction cases. Allows juvenile court commissioners to issue a warrant of arrest against a minor who issues and signs a written notice to appear for any infraction or misdemeanor and who fails to appear at the time and place designated in the notice. Allows a hearing before a juvenile court commissioner, or a hearing before a referee or a judge of the juvenile court, where the minor is charged with a traffic offense or a non-traffic offense as specified, upon an exact legible copy of a written notice where the offense charged is an infraction or misdemeanor, in lieu of a petition. If a petition is demanded the petition may be filed before a juvenile court commissioner, a referee or a judge as provided.

If a petition is filed by the DA, the filing of the petition shall be deemed an appearance and the DA may, but is not required, to attend the hearing. Requires that, upon a hearing conducted in accordance with Section 257 of the W&I Code, and upon either an admission by the minor of the commission of a violation charged or a finding after a contested hearing that the minor did in fact commit the violation, the judge, referee or juvenile court commissioner may, among other things: 1) order the minor to pay, into the general fund of the county a fine up to the amount that an adult would pay for the same violation, unless the violation is otherwise defined by age; 2) order that the parent and minor participate in and complete a counseling program; 3) order that the parent and minor participate in and complete a diversion program. Requires the Judicial Council to report back to the legislature on the effectiveness of the juvenile court commissioners and their ability to hear all misdemeanors and infractions. According to the author, the purpose of the bill is to allow all misdemeanors to be cited into court by way of a citation instead of a petition, allowing juvenile court commissioners and law enforcement to hear and dispose of these cases more expeditiously. Adds to the list of juvenile offenses under which a drivers license may be revoked, the behavior of twice loitering during school hours. Amends Section 853.6a of the Penal Code, Sections 13202.7 and 40509 of the Vehicle Code and Sections 255, 256, 256.5, 257, 258, 260, 261, 262, 263, and 654.1 of the Welfare & Institutions Code. Adds Section 258.5 to the Welfare & Institutions Code. **(AB 2117 - Miller)**

Juvenile Justice Subcommittee vote: 3-0, 4/23/96; Public Safety vote: 8-1, 4/23/96

XI. PARENTAL RESPONSIBILITY: Curfew, Restitution, Truancy, Costs

Curfew violations

** Specifies that for the 3rd or subsequent violations of curfew ordinances, the minor must be ordered to perform 40 hours of community service within 2 months and would be subject to suspension of his or her driving privilege for one year. Requires the warning citation issued upon a first violation to include consequences that a 3rd violation may result in a parent or legal guardian being prosecuted for failing to supervise a child. Establishes the offense of “failing to supervise a child”. Under this offense, parents, legal guardians, or persons legally charged with the custody and control of a child under 16 would be guilty of an infraction of failing to supervise a child if the child commits an act that brings him or her within the jurisdiction of the juvenile court on the basis of either criminal or noncriminal conduct -- habitual truancy or curfew violations (W&I Code Sections 601 and 602), punishable by a fine not to exceed \$1,000. Requires the court and a parent or guardian to develop a plan of supervision for a minor on probation. Authorizes the court to order a parent or guardian to participate in educational and counseling programs for parents and children that are directed toward improvement of parenting skills. According to the sponsor, this bill is intended to increase parental accountability for the actions of their children by providing the court with greater authority to intervene in situations of this nature. Amends Sections 625.5 and adds Sections 729.51, 729.52 and 729.53 to the Welfare & Institutions Code. **(AB 3261 - Ackerman)***

Juvenile Justice Subcommittee vote: 5-0, 4/16/96; Public Safety vote: 10-3, 4/16/96

Restitution

** Provides sanctions and remedies for a juvenile's willful failure to pay court-ordered restitution, including: 1) disclosure of the juvenile's court record to the victim or the victim's next of kin for use in a civil action; 2) revocation of the juvenile's driver's license; 3) attachment of state personal income tax returns, state lottery winnings, unemployment benefits, wages owed and processed for payment and any public assistance payments. According to the author, there is a lack of enforceability in the area of juvenile restitution. Juveniles can evade restitution by declaring bankruptcy or delaying the payments until their term of probation is over and enforceability of the order has elapsed. Adds Section 730.8 to the Welfare & Institutions Code. **(AB 2061 - Margett)**

Juvenile Justice Subcommittee vote: 3-0, 4/16/96; Public Safety vote: 9-2, 4/16/96

**** Existing law creates a rebuttable presumption that a parent or guardian of a minor who is ordered to pay restitution to a victim or pay a fine or penalty assessment is jointly and severally liable for that restitution. This bill, to the extent allowed by federal law, authorizes a court to order the deduction from a parent or guardian's public aid payments to meet the obligations of a juvenile's restitution order. Allows a minimum of 3% and a maximum of 10% to be withheld from a monthly check. Adds Section 730.8 to the Welfare and Institutions Code. (AB 2690 - House)**

Juvenile Justice Subcommittee vote: 3-1, 4/16/96, Public Safety vote: 8-4, 4/23/96

**** Instead of current provisions of law that create a rebuttable presumption that a parent or guardian is jointly and severally liable for their minor's restitution order, this bill requires that in a case in which a minor is ordered to pay restitution, if specified notice requirements are met, a hearing shall be held to determine if the parent or guardian shall be jointly and severally liable with the minor for the amount of the restitution. Specifies that nothing in its provisions establishing liability and providing for restitution shall be interpreted to make an insurer liable for a loss caused by the willful act of the insured or the insured's dependents. Amends Sections 729.5 and 730.7 of the Welfare and Restitutions Code. (AB 3050 - Hawkins)**

Juvenile Justice Subcommittee vote: 3-0, 4/23/96; Public Safety vote: 9-0, 4/23/96

**** Creates the Parental Responsibility and Juvenile Opportunity Act of 1996. The Act establishes a 3 year pilot project in Los Angeles County to permit the county probation department to seek outside funding, in addition to public sector funding for the support of the juvenile homes, ranches and camps, by charging fees and developing partnerships with businesses.**

Describes the education and vocational elements that should comprise a transitional program for wards of the juvenile court who are to be released from juvenile homes, ranches and camps that would reduce recidivism.

Allows the probation department to establish parenting classes for the parents of minors confined in a juvenile home, ranch, or camp, for which the county may charge the parents a reasonable fee to cover the costs of these classes. If the parent cannot pay, the probation department may require the parent to work off all or part of the fee by providing support in a juvenile home, ranch or camp.

Minors may be required to perform vocational internships in trades such as construction, electrical, plumbing, etc., which will provide both a learning experience for the minor and potential service to the juvenile home, camp or ranch.

Tradespeople, unions, local businesses, and others shall be encouraged to provide training and internships to wards while they are confined, and to help transition the wards to apprenticeships or actual employment in the community after release. The county probation department may charge the ward or his or her parents, or both, a fee for participating in the vocational internship program.

Allows the county probation department to collect from parents or guardians all or any portion of the fees paid to the California Youth Authority based on ability to pay. Adds Article 24.6 (commencing with Section 899) to Chapter 2 of Part 1 of Division 2 of the Welfare & Institutions Code. **(AB 2377 -- Margett)**

Juvenile Justice Subcommittee vote: 3-0, 4/23/96; Public Safety vote: 9-0, 4/23/96

Truancy

** Under current law, any parent, guardian or other persons who have control of a student and fails to comply with school attendance provisions may be charged with an infraction. This bill provides that after a first conviction, if the parent, guardian or other person who has control of a student and has willfully refused to comply, may be charged with a misdemeanor or an infraction, at the discretion of the prosecutor. Doubles the fines for the first and second conviction of an infraction (\$250 and \$500 respectively) and deletes the reference to the third conviction. The purpose of the bill, according to the author, is to lower the truancy rate in elementary and junior high schools by putting some "teeth" into the law. Amends Section 48293 of the Education Code and amends Section 601.4 of the Welfare & Institutions Code. **(AB 2855 - Morrissey)**

Juvenile Justice Subcommittee vote: 5-0, 4/16/96; Public Safety vote: 9-4, 4/16/96

Costs

** Authorizes the juvenile court to make parents or guardians liable for the cost of electronic monitoring and surveillance of a minor. Amends Section 903.2 of the Welfare & Institutions Code. **(AB 2197 - Cannella)**

Juvenile Justice Subcommittee vote: 4-0, 4/16/96, Public Safety vote: 13-0, 4/16/96

XII. PROBATION/PAROLE

** Provides that the juvenile court require as a condition of probation of a minor who is declared a ward of the court as a result of criminal conduct, and that the Youthful Offender Parole Board shall also require as a standard condition of parole for persons committed to the control of the CYA, that the ward or youthful offender shall be subject to warrantless searches of his or her person, residence, or any property under his or her control, upon request of a probation officer, parole officer, or peace officer.

Additionally, this bill reduces the age limit for authorizing a transfer of a person to the Youth Authority by the Director of Corrections to under 18 years (instead of the current law of under 21 years), and would require the transfer to terminate when the inmate reaches 18 or when the Director of the Youth Authority orders the inmate returned to the Department of Corrections or when the inmate is ordered discharged by the Board of Prison Terms.

According to the sponsor, the purpose of the bill is to deter probationers and parolees from engaging in criminal activities since they will be subject to warrantless searches. Amends Section 1731.5 and adds Sections 729.12 and 1767.15 to the Welfare & Institutions Code. **(AB 3369 - Bordonaro)***

Juvenile Justice Subcommittee vote: 3-0, 4/9/96; Public Safety vote: 9-4, 4/16/96

** Allows probation as a sentencing option only once if a juvenile has committed a violent or serious felony by providing that a juvenile who has previously been found to be a ward of the court (W&I Section 602) by reason of the commission of a violent or serious felony (W&I Code Section 707 (b), Penal Code Sections 1192.7 and 667.5) and that juvenile has been found to have committed another violent or serious felony, is ineligible for probation.

Additionally, this bill provides for the biennial review of a juvenile who has been committed to the custody of the Youth Authority by reason of the commission of a violent felony, rather than the annual review currently required. The purpose of the bill, according to the sponsor, is to limit the number of times that victims would have to relive their victimization by eliminating unnecessary parole reviews for violent juvenile offenders. In addition, the bill would reduce state costs for juvenile parole hearings. Amends Section 1720 and adds Section 731.12 to the Welfare & Institutions Code. **(AB 3068 - Frusetta)***

Juvenile Justice Subcommittee vote: 5-0, 4/16/96; Public Safety vote: 9-4, 4/16/96

XIII. REPEAT OFFENDERS

**** Expands the 3 year pilot project known as the "Repeat Offender Prevention Project", which is designed to provide a comprehensive intervention program to reduce recidivism among juvenile offenders. Adds Los Angeles County to this pilot project by expanding the selection criteria for the participation of minors to include minors who match a specified profile. Requires that each county or region provide intervention strategies to ensure adequate levels of supervision, structure and support to minors and their families in order to facilitate the development of enhanced parenting skills and parent-child relationships. Requires each county or region participating in the program to promote partnerships between public and private agencies to develop individualized intervention strategies. Appropriates \$2 million for the first year of the pilot program. Amends Sections 743, 745, 746, 747, and 748 of the Welfare & Institutions Code. (AB 2447 - K. Murray)**

Juvenile Justice Subcommittee vote: 3-0, 4/23/96; Public Safety vote: 4-6, 4/23/96, reconsideration granted, 9-0, 4/23/96; Public Safety vote: 8-2, 4/25/96

XIV. WARDS: CYA OR COUNTY: programs, education

**** Requires the court, if a juvenile is found to be a person described in Section 602, and is not remanded to the custody of CYA, to order the minor to perform community service and order the DMV to delay or suspend the minor's driving privileges, except where the court makes a finding and states on the record its reasons that the conditions would be inappropriate. The purpose of the bill is to provide a tangible consequence for first time offenders by establishing a minimum punishment (currently there is none) for juveniles who are not remanded to the custody of the CYA or other detention facility. Adds Section 727.6 to the Welfare & Institutions Code. (AB 3074 - Boland)***

Juvenile Justice Subcommittee vote: 5-0, 4/16/96; Public Safety vote: 11-2; 4/16/96

**** Allows for the licensing and establishment of privately operated boot camps, to serve as a less restrictive alternative to the Youth Authority, funded in part with AFDC-FC money. Amends Section 1502 and adds Article 2.6 to Chapter 3 of Division 2 of the Health and Safety Code, amends Sections 361.2 and 15200.5 and adds Sections 725.6, 11402.7, and 11462.06 to the Welfare & Institutions Code. (AB 3112 - Goldsmith)**

Juvenile Justice Subcommittee vote: 5-0, 4/23/96; Public Safety vote: 9-0, 4/23/96

**** Authorizes the Director of the Youth Authority to waive certain requirements, specifically, work experience and vocational training through work crew assignments, with respect to persons who are not citizens of the United States and are not permanent resident aliens or are not otherwise authorized under federal law to be present in the United States. Amends Section 1820.3 of the Welfare & Institutions Code. (AB 2486 - Firestone)**

Juvenile Justice Subcommittee vote: 3-2, 4/9/96; Public Safety vote: 8-5, 4/16/96

**** Establishes within the Department of the Youth Authority a correctional education authority for the purpose of carrying out the education and training of wards committed to the Youth Authority. Requires that the Authority adopt standards of proficiency in basic skills for wards attending grades 7-12, and requires the Authority to meet the model curriculum standards adopted by the Superintendent of Public Instruction. Provides for the administration of GED tests, and authorizes the issuance of diplomas to wards who have completed the required course of study and meet the standards of proficiency in basic skills adopted by the correctional education authority. Adds Section 1120.2 to the Welfare & Institutions Code. (AB 2131 - W. Murray)**

Juvenile Justice Subcommittee vote: 2-0, 4/9/96; Public Safety vote: 8-4, 4/16/96