

# AUTHOR'S COPY

An act to amend Section 24000 of, and to add Chapter 16 (commencing with Section 27770) to Part 3 of Division 2 of Title 3 of, the Government Code, to repeal Section 1203.6 of, and to repeal and add Section 1203.5 of, the Penal Code, and to repeal and add Sections 270 and 271 of the Welfare and Institutions Code, relating to probation officers.



## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. (a) The Legislature finds and declares that the provision of probation services is an essential element in the administration of criminal justice and the juvenile delinquency systems. The safety of the public is enhanced by a research-based approach that promotes positive behavior change while also enforcing laws to provide community safety as outlined in statute. The Legislature recognizes the role and responsibility of probation departments has enhanced significantly due to public safety reforms, including, but not limited to, the Community Corrections Performance Incentive Grant Program, established in Chapter 608 of the Statutes of 2009, and 2011 Realignment Legislation addressing public safety, established in Chapter 15 of the Statutes of 2011, which made funding investments in local probation departments and increased the responsibility for probation departments to supervise more offenders including those on mandatory supervision and postrelease community supervision. In addition to a core mission of supervising felony probationers, to address the more serious level of offenders probation departments were tasked with supervising, the state made investments in evidence-informed rehabilitation strategies and supervision for probation departments throughout the state. County probation departments have played a critical role in helping the state meet its federally mandated reduction in the prison population by utilizing probation's successful track record in supervision, community corrections, effective offender reentry, and evidence-informed rehabilitation services. Further reforms to the justice system which were enacted by the voters in California continue to place emphasis on services to supervised populations in the community, placing probation's mission at the center of community corrections.



(b) The Legislature additionally recognizes probation's instrumental role in California's juvenile justice system because of its work in supervision and services provided to youth involved in the justice system through supervising juveniles in the community, administering programming to address juveniles' criminogenic behavior, providing secure and effective detention services, utilizing evidence-informed strategies that change behavior, and ensuring successful reentry into communities. The Legislature and voters of California have delegated to probation all responsibility and services for juveniles except for the Department of Corrections and Rehabilitation, Division of Juvenile Justice. This includes historic reforms such as Chapter 175 of the Statutes of 2007, which realigned most of the juvenile system responsibilities to probation.

(c) The decisions made in the state budget process have had significant impact on the duties performed by probation. When probation services are unavailable at the local level there is a negative impact on recidivism which can require a more expensive solution at the state level in the form of incarceration. We have also seen more probation services for justice-involved youth as the state realigned the population away from the most expensive part of the system. These factors are not only driven by fiscal realities of state and local budgets but policies that are intended to improve the quality of life in our communities. The Legislature recognizes that such an important role should be clear and articulated with other core county department duties in order to establish the proper function and structure of probation. For these reasons the Legislature delegates the following duties to the chief probation officer to carry out in the county for the purposes of managing local juvenile facilities, preventing crime and delinquency, reducing recidivism, restoring victims, and promoting healthy families and communities



through the community supervision and the enforcement of court orders and other criminal statutes. These duties are specific and exclusive to the primary areas of responsibility that exist for probation and are intended to emphasize the important role of probation within the criminal justice system in California. This is not intended to limit or diminish the importance of other duties currently delegated in whole or in part to probation elsewhere in code.

SEC. 2. Section 24000 of the Government Code is amended to read:

24000. The officers of a county are:

- (a) A district attorney.
- (b) A sheriff.
- (c) A county clerk.
- (d) A controller.
- (e) An auditor, who shall be ex officio controller.
- (f) A treasurer.
- (g) A recorder.
- (h) A license collector.
- (i) A tax collector, who shall be ex officio license collector.
- (j) An assessor.
- (k) A superintendent of schools.
- (l) A public administrator.
- (m) A coroner.
- (n) A surveyor.
- (o) Members of the board of supervisors.



- (p) A county veterinarian.
- (q) A fish and game warden.
- (r) A county librarian.
- (s) A county health officer.
- (t) An administrative officer.
- (u) A director of finance.
- (v) A road commissioner.
- (w) A public guardian.
- (x) A chief probation officer.
- ~~(x)~~
- (y) Such other officers as are provided by law.

SEC. 3. Chapter 16 (commencing with Section 27770) is added to Part 3 of Division 2 of Title 3 of the Government Code, to read:

#### CHAPTER 16. CHIEF PROBATION OFFICER

27770. (a) A chief probation officer shall be appointed county. He or she shall be nominated by the juvenile justice commission or regional juvenile justice commission of the county in the same manner as the presiding judge, in a county with two judges, or a majority of the judges, in a county with more than two judges, shall prescribe, and shall thereafter be appointed by the presiding judge or majority of judges. The salary for the position shall be established by the board of supervisors of the county. He or



she may be removed for good cause as determined by the presiding judge or majority of judges.

(b) In counties with charters that provide for appointment and tenure of office for the chief probation officer, the provisions of the charter shall control as to those matters and, in counties that have established or hereafter establish merit or civil service systems governing the methods of appointment and the tenure for the chief probation officer, the provisions of the merit or civil service systems shall control as to those matters. In all other counties, appointment and tenure of the chief probation officer shall be controlled exclusively by the provisions of this code.

27771. (a) The chief probation officer shall perform the duties and discharge the obligations imposed on the office by law or by order of the superior court, including the following:

(1) Community supervision of offenders subject to the jurisdiction of the juvenile court pursuant to Section 602 or 1766 of the Welfare and Institutions Code.

(2) Operation of juvenile halls pursuant to Section 852 of the Welfare and Institutions Code.

(3) Operation of juvenile camps and ranches established under Section 880 of the Welfare and Institutions Code.

(4) Community supervision of individuals subject to probation pursuant to conditions imposed under Section 1203 of the Penal Code.

(5) Community supervision of individuals subject to mandatory supervision pursuant to subparagraph (B) of paragraph (5) of subdivision (h) of Section 1170 of the Penal Code.



(6) Community supervision of individuals subject to postrelease community supervision pursuant to Section 3451 of the Penal Code.

(7) Administration of community-based corrections programming, including, but not limited to, programs authorized by Chapter 3 (commencing with Section 1228) of Title 8 of Part 2 of the Penal Code.

(8) Serving as chair of the Community Corrections Partnership pursuant to Section 1230 of the Penal Code.

(9) Making recommendations to the court, including, but not limited to, pre-sentence investigative reports pursuant to Sections 1203.7 and 1203.10 of the Penal Code.

(b) The chief probation officer may perform other duties that are consistent with those enumerated in subdivision (a) and may accept appointment to the Board of State and Community Corrections and collect the per diem authorized by Section 6025.1 of the Penal Code.

27772. (a) Except as provided in Section 69906.5, the chief probation officer may appoint deputies, assistants, and other persons, and their compensation shall be established according to the provisions of the county's merit systems or civil service systems. If no merit systems or civil service systems exist in the county, the board of supervisors shall provide for appointment, removal, and compensation of this personnel.

(b) A deputy or assistant to the chief probation officer shall not have authority to act until his or her appointment has been approved by the juvenile justice commission or regional juvenile justice commission and by the presiding judge or majority of judges. The term of office of a deputy or assistant shall expire with the term of the



chief probation officer who appointed the deputy or assistant, but the chief probation officer may revoke and terminate the appointment at any time.

(c) This section applies in any charter county with a charter establishing the office of chief probation officer or adult probation officer and provides for the appointment of the officer in accordance with general law, subject to the merit system provisions of the charter.

27773. The office of chief probation officer shall not be consolidated with any other office, nor shall the services provided by the chief probation officer be integrated with or reorganized into any other office or department of the county.

SEC. 4. Section 1203.5 of the Penal Code is repealed.

~~1203.5. The offices of adult probation officer, assistant adult probation officer, and deputy adult probation officer are hereby created. The probation officers, assistant probation officers, and deputy probation officers appointed in accordance with Chapter 2 (commencing with Section 200) of Division 2 of Part 1 of the Welfare and Institutions Code shall be ex officio adult probation officers, assistant adult probation officers, and deputy adult probation officers except in any county or city and county whose charter provides for the separate office of adult probation officer. When the separate office of adult probation officer has been established he or she shall perform all the duties of probation officers except for matters under the jurisdiction of the juvenile court. Any adult probation officer may accept appointment as member of the Board of Corrections and serve in that capacity in addition to his or her duties as adult probation officer and may receive the per diem allowance authorized in Section 6025.1.~~

SEC. 5. Section 1203.5 is added to the Penal Code, to read:





1203.5. The chief probation officers, assistant probation officers, and deputy probation officers appointed in accordance with Chapter 16 (commencing with Section 27770) of Part 3 of Division 2 of Title 3 of the Government Code shall be ex officio adult chief probation officers, assistant adult probation officers, and deputy adult probation officers except in any county or city and county whose charter provides for the separate office of adult probation officer. When the separate office of adult probation officer has been established he or she shall perform all the duties of probation officers except for matters under the jurisdiction of the juvenile court.

SEC. 6. Section 1203.6 of the Penal Code is repealed.

~~1203.6. The adult probation officer shall be appointed and may be removed for good cause in a county with two superior court judges, by the presiding judge. In the case of a superior court of more than two judges, a majority of the judges shall make the appointment, and may effect removal.~~

~~The salary of the probation officer shall be established by the board of supervisors.~~

~~The adult probation officer shall appoint and may remove all assistants, deputies and other persons employed in the officer's department, and their compensation shall be established, according to the merit system or civil service system provisions of the county. If no merit system or civil service system exists in the county, the board of supervisors shall provide for appointment, removal, and compensation of such personnel.~~

~~This section is applicable in a charter county whose charter establishes the office of adult probation officer and provides that the officer shall be appointed in accordance with general law subject to the merit system provisions of the charter.~~



SEC. 7. Section 270 of the Welfare and Institutions Code is repealed.

~~270. Except as provided in Section 69906.5 of the Government Code, there shall be in each county the offices of probation officer, assistant probation officer, and deputy probation officer. A probation officer shall be appointed in every county:~~

~~Probation officers in any county shall be nominated by the juvenile justice commission or regional juvenile justice commission of such county in such manner as the judge of the juvenile court in that county shall direct, and shall then be appointed by such judge.~~

~~The probation officer may appoint as many deputies or assistant probation officers as the probation officer desires; but such deputies or assistant probation officers shall not have authority to act until their appointments have been approved by a majority vote of the members of the juvenile justice commission, and by the judge of the juvenile court. The term of office of each such deputy or assistant probation officer shall expire with the term of the probation officer who appointed the deputy or assistant probation officer, but the probation officer, with the written approval of the majority of the members of the juvenile justice commission and of the judge of the juvenile court, may, in the probation officer's discretion, revoke and terminate any such appointment at any time.~~

~~Probation officers may at any time be removed by the judge of the juvenile court for good cause shown, and the judge of the juvenile court may in the judge's discretion at any time remove any such probation officer with the written approval of a majority of the members of the juvenile justice commission.~~

SEC. 8. Section 270 is added to the Welfare and Institutions Code, to read:



270. The chief probation officer shall be appointed and compensation for the position shall be determined as provided in Chapter 16 (commencing with Section 27770) of Part 3 of Division 2 of Title 3 of the Government Code.

SEC. 9. Section 271 of the Welfare and Institutions Code is repealed.

~~271. In counties having charters which provide a method of appointment and tenure of office for probation officers, assistant probation officers, deputy probation officers, and the superintendent, matron, and other employees of the juvenile hall, such charter provisions shall control as to such matters, and in counties which have established or hereafter establish merit or civil service systems governing the methods of, appointment and the tenure of office of, probation officers, assistant probation officers, deputy probation officers, and of the superintendents, matrons and other employees of the juvenile hall, the provisions of such merit or civil service systems shall control as to such matters; but in all other counties, such matters shall be controlled exclusively by the provisions of this code.~~

SEC. 10. Section 271 is added to the Welfare and Institutions Code, to read:

271. In counties having charters that provide a method of appointment and tenure of office for the superintendent, matron, and other employees of the juvenile hall, the charter provisions shall control as to those matters and, in counties which have established or hereafter establish merit or civil service systems governing the methods of appointment and the tenure of office for the superintendent, matrons, and other employees of the juvenile hall, the provisions of the merit or civil service systems shall



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control as to those matters. In all other counties, these matters shall be controlled exclusively by the provisions of this code.

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## LEGISLATIVE COUNSEL'S DIGEST

Bill No.

as introduced, \_\_\_\_\_.

General Subject: Probation: chief probation officer.

Existing law requires a probation officer to be appointed in each county. Existing law requires the probation officer to be nominated by the juvenile justice commission and appointed by the judge of the juvenile court. Existing law allows the probation officer to revoke or terminate the appointment of a deputy or assistant probation officer with the written approval of the juvenile justice commission.

This bill would revise and recast these provisions. The bill would require each county to appoint a chief probation officer. The bill would establish the duties and obligations of that office, as specified. The bill would require the presiding judge, in a county with 2 judges, or a majority of the judges, in a county with more than 2 judges, to appoint the chief probation officer upon nomination of the juvenile justice commission. The bill would allow the chief probation officer to revoke and terminate the appointment of a deputy or assistant probation officer without the written approval



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of the juvenile justice commission. The bill would delete the creation of the office of adult probation officer.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.



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