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An act to amend Sections 607, 912, 1731.5, 1769, and 1771 of, and to add Section 1731.7 to, the Welfare and Institutions Code, relating to juvenile justice.



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

SECTION 1. Section 607 of the Welfare and Institutions Code is amended to read:

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

(b) The court may retain jurisdiction over ~~any a~~ person who is found to be a person described in Section 602 by reason of the commission of ~~any of the offenses~~ an offense listed in subdivision (b) ~~or paragraph (2) of subdivision (d)~~ of Section 707, until that person attains 25 years of age if the person was committed to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities.

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

(d) The court may retain jurisdiction over any person described in Section 602 by reason of the commission of ~~any of the offenses~~ an offense listed in subdivision (b) ~~or paragraph (2) of subdivision (d)~~ of Section 707, who has been confined in a state hospital or other appropriate public or private mental health facility pursuant to Section 702.3 until that person attains 25 years of age, unless the court that committed the person finds, after notice and hearing, that the person's sanity has been restored.

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

(f) Notwithstanding subdivisions (b) and (d), ~~on and after July 1, 2012, every person a person who is~~ committed by the juvenile court to the Department of Corrections and Rehabilitation, Division of Juvenile ~~Facilities, Facilities on or after July 1, 2012,~~ and who is found to be a person described in Section 602 by reason of the ~~violation of any of the offenses~~ commission of an offense listed in subdivision (b) ~~or paragraph (2) of subdivision (d)~~ of Section 707 shall be discharged upon the expiration of a two-year period of control, or when the person attains 23 years of age, whichever occurs later, unless an order for further detention has been made by the committing court pursuant to Article 6 (commencing with Section 1800) of Chapter 1 of Division 2.5. ~~This section shall subdivision does not apply to persons a person who is~~ committed to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, ~~or persons to a person who is~~ confined in a state hospital or other appropriate public or private mental health facility, by a court prior to July 1, 2012, pursuant to subdivisions (b) and (d).

(g) Notwithstanding subdivision (f), a person who is committed by the juvenile court to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, on or after July 1, 2018, and who is found to be a person described in Section 602 by reason of the commission of an offense listed in subdivision (b) of Section 707, shall be discharged upon the expiration of a two-year period of control, or when the person attains 25 years of age, whichever occurs later, unless an order for further detention has been made by the committing court pursuant to Article 6 (commencing with Section 1800) of Chapter 1 of Division 2.5. This subdivision does not apply to a person who is committed to the Department of Corrections and Rehabilitation, Division



of Juvenile Facilities, or to a person who is confined in a state hospital or other appropriate public or private mental health facility by a court prior to July 1, 2018, as described in subdivision (f).

~~(g)~~

~~(h) The amendments to this section made by the act adding this subdivision shall Chapter 342 of the Statutes of 2012 apply retroactively.~~

SEC. 2. Section 912 of the Welfare and Institutions Code is amended to read:

912. ~~(a) Commencing on and after January 1, 2012, counties from which persons are committed to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, shall pay to the state an annual rate of one hundred twenty-five thousand dollars (\$125,000) for the time those persons remain in any institution under the direct supervision of the division, or in any institution, boarding home, foster home, or other private or public institution in which they are placed by the division, on parole or otherwise, and cared for and supported at the expense of the division, as provided in this subdivision. This subdivision applies to any person committed to the division by a court, including persons committed to the division prior to January 1, 2012, who, on or after January 1, 2012, remain in or return to the facilities described in this section.~~

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

~~(b) Commencing on and after January 1, 2012, the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, shall not collect from, nor shall a county owe, any fees pursuant to subdivision (a).~~

~~(c) Commencing on and after July 1, 2012, counties from which persons are~~
912. (a) A county from which a person is committed to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, shall pay to the state an annual rate of twenty-four thousand dollars (\$24,000) for the time those persons remain in any while the person remains in an institution under the direct supervision of the division, or in any an institution, boarding home, foster home, or other private or public institution in which they are the person is placed by the division, and cared for and supported at the expense of the division, as provided in this subdivision. This subdivision applies to any person a person who is committed to the division by a juvenile court on or after July 1, 2012.

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

~~(d) Consistent with Article 1 (commencing with Section 6024) of Chapter 5 of Title 7 of Part 3 of the Penal Code, the Board of State and Community Corrections shall collect and maintain available information and data about the movement of juvenile offenders committed by a juvenile court and placed in any institution, boarding home, foster home, or other private or public institution in which they are cared for, supervised, or both, by the division or the county while they are on parole, probation, or otherwise.~~



(b) A county from which a person is committed to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, on or after July 1, 2018, shall pay to the state an annual rate of twenty-four thousand dollars (\$24,000) for the time the person remains in an institution under the direct supervision of the division, or in an institution, boarding home, foster home, or other private or public institution in which the person is placed by the division, and cared for and supported at the expense of the division, as provided in this subdivision. A county shall not pay the annual rate of twenty-four thousand dollars (\$24,000) for a person who is 23 years of age or older. This subdivision applies to a person committed to the division by a juvenile court on or after July 1, 2018.

SEC. 3. Section 1731.5 of the Welfare and Institutions Code is amended to read:

1731.5. (a) After certification to the Governor as provided in this article, a court may commit to the Division of Juvenile Facilities any person who meets all of the following:

(1) Is convicted of an offense described in subdivision (b) of Section 707 or subdivision (c) of Section 290.008 of the Penal Code.

(2) Is found to be less than 21 years of age at the time of apprehension.

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

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

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

(c) ~~Any~~ A person under 18 years of age who is not committed to the division pursuant to this section may be transferred to the ~~authority~~ division by the Secretary of the Department of Corrections and Rehabilitation with the approval of the Director of the Division of Juvenile Justice. In sentencing a person under 18 years of age, the court may order that the person ~~shall~~ be transferred to the custody of the Division of Juvenile Facilities pursuant to this subdivision. If the court makes this order and the division fails to accept custody of the person, the person shall be returned to court for resentencing. The transfer shall be solely for the purposes of housing the inmate, allowing participation in the programs available at the institution by the inmate, and allowing division parole supervision of the inmate, who, in all other aspects shall be deemed to be committed to the Department of Corrections and Rehabilitation and shall remain subject to the jurisdiction of the Secretary of the Department of Corrections and Rehabilitation and the Board of Parole Hearings. Notwithstanding subdivision (b) of Section 2900 of the Penal Code, the secretary, with the concurrence of the director, may designate a facility under the jurisdiction of the director as a place of reception for ~~any~~ a person described in this subdivision.

The director ~~shall have~~ has the same powers with respect to an inmate transferred pursuant to this subdivision as if the inmate had been committed or transferred to the



Division of Juvenile Facilities either under the Arnold-Kennick Juvenile Court Law or subdivision (a).

The duration of the transfer shall extend until any of the following occurs:

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

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

(3) The inmate reaches 18 years of age. However, if the inmate's period of incarceration would be completed on or before the inmate's ~~21st~~ 25th birthday, the director may continue to house the inmate until the period of incarceration is completed.

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

SEC. 4. Section 1731.7 is added to the Welfare and Institutions Code, to read:

1731.7. (a) The Division of Juvenile Facilities within the Department of Corrections and Rehabilitation shall establish and operate a young adult offender program. Commencing on or after January 1, 2019, this program shall divert a limited number of young adult offenders from adult prison to a juvenile facility in order to benefit from specialized rehabilitative programming designed for young offenders with the goal of reducing recidivism.

(b) The department shall develop criteria for placement in this program, initially targeting young adult offenders sentenced by a superior court who committed an offense described in subdivision (b) of Section 707 prior to 18 years of age. Offenders with a period of incarceration that cannot be completed on or before the offender's 25th birthday are ineligible for placement in the young adult offender program.

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

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

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

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

(e) The Division of Juvenile Facilities shall promulgate regulations to implement this section.

SEC. 5. Section 1769 of the Welfare and Institutions Code is amended to read:

1769. (a) ~~Every person~~ A person who is committed to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, by a juvenile court shall, except as provided in subdivision (b), be discharged upon the expiration of a two-year period of control or when he or she attains 21 years of age, whichever occurs later, unless an order for further detention has been made by the committing court pursuant to Article 6 (commencing with Section 1800).

(b) ~~Every person~~ A person who is committed to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, by a juvenile court and who has been found to be a person described in Section 602 by reason of the violation of any of the offenses commission of an offense listed in subdivision (b) or paragraph (2) of subdivision (d) of Section 707, shall be discharged upon the expiration of a two-year



period of control or when he or she attains 25 years of age, whichever occurs later, unless an order for further detention has been made by the committing court pursuant to Article 6 (commencing with Section 1800).

(c) ~~Notwithstanding subdivision (b), on and after July 1, 2012, every person a person who is~~ committed by a juvenile court to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, ~~on or after July 1, 2012,~~ who is found to be a person described in Section 602 by reason of the ~~violation of any of the offenses commission of an offense~~ listed in subdivision (b) ~~or paragraph (2) of subdivision (d)~~ of Section 707, shall be discharged upon the expiration of a two-year period of control, or when he or she attains 23 years of age, whichever occurs later, unless an order for further detention has been made by the committing court pursuant to Article 6 (commencing with Section 1800). ~~This section shall subdivision does not apply to persons committed to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, by a juvenile court prior to July 1, 2012, pursuant to subdivision (b).~~

(d) A person committed by a juvenile court to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, on or after July 1, 2018, who is found to be a person described in Section 602 by reason of the commission of an offense listed in subdivision (b) of Section 707, shall be discharged upon the expiration of a two-year period of control, or when he or she attains 25 years of age, whichever occurs later, unless an order for further detention has been made by the committing court pursuant to Article 6 (commencing with Section 1800). This subdivision does not apply to a person who is committed to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, by a juvenile court prior to July 1, 2018, pursuant to subdivision (b) or (c).

~~(d)~~

(e) The amendments to this section made by the act adding this subdivision shall Chapter 342 of the Statutes of 2012 apply retroactively.

SEC. 6. Section 1771 of the Welfare and Institutions Code is amended to read:

1771. (a) ~~Every person~~ A person who is convicted of a felony and committed to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, shall be discharged when he or she attains 25 years of age, unless an order for further detention has been made by the committing court pursuant to Article 6 (commencing with Section 1800) or unless a petition is filed under Article 5 (commencing with Section 1780). ~~In the event that~~ If a petition under Article 5 (commencing with Section 1780) is filed, the division shall retain control until the final disposition of the proceeding under Article 5 (commencing with Section 1780).

(b) ~~Notwithstanding subdivision (a), on and after July 1, 2012, every person a person who is~~ committed by a juvenile court to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, ~~on or after July 1, 2012, and~~ who is found to be a person described in Section 602 by reason of the ~~violation of any of the offenses commission of an offense~~ listed in subdivision (b) ~~or paragraph (2) of subdivision (d)~~ of Section 707, shall be discharged upon the expiration of a two-year period of control, or when the person attains 23 years of age, whichever occurs later, unless an order for further detention has been made by the committing court pursuant to Article 6 (commencing with Section 1800). ~~This section shall subdivision does not apply to persons a person who is~~ committed to the Department of Corrections and



Rehabilitation, Division of Juvenile Facilities, by a juvenile court prior to July 1, 2012, pursuant to subdivision (a).

(c) Notwithstanding subdivision (b), a person who is committed by a juvenile court to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, on or after July 1, 2018, and who is found to be a person described in Section 602 by reason of the commission of an offense listed in subdivision (b) of Section 707, shall be discharged upon the expiration of a two-year period of control, or when the person attains 25 years of age, whichever occurs later, unless an order for further detention has been made by the committing court pursuant to Article 6 (commencing with Section 1800). This subdivision does not apply to a person who is committed to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, by a juvenile court prior to July 1, 2018, pursuant to subdivision (a) or (b).

(e)

(d) The amendments to this section made by the act adding this subdivision shall Chapter 342 of the Statutes of 2012 apply retroactively.



LEGISLATIVE COUNSEL'S DIGEST

Bill No.
as introduced, _____.
General Subject: Juvenile justice reform.

Existing law authorizes the juvenile court to retain jurisdiction over a person who is found to be a ward or dependent child of the juvenile court until the ward or dependent child attains 21 years of age, or, if the person is found to have committed a specified serious or violent offense, after the expiration of a 2-year period of control or when the person attains 23 or 25 years of age, whichever occurs later, except as specified.

This bill would require a person who is committed by a juvenile court to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities on or after July 1, 2018, by reason of the commission of one of specified offenses, to be discharged upon the expiration of a 2-year period of control, or when he or she attains 25 years of age, whichever occurs later, unless an order for further detention has been made by the committing court, as specified. The bill would exclude persons committed to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, by a juvenile court prior to July 1, 2018 from being discharged pursuant to that authority.

The bill would also require the division to establish and operate a young adult offender program. Commencing on or after January 1, 2019, the program would divert a limited number of young adult offenders from adult prison to a juvenile facility in order to benefit from specialized rehabilitative programming designed for young offenders with the goal of reducing recidivism. The bill would require the department to develop criteria for placement in this program and to initially target young adult offenders sentenced by a superior court who committed a specified serious or violent offense prior to 18 years of age. The bill would also make ineligible for the program offenders with a period of incarceration that cannot be completed on or before the offender's 25th birthday.

Existing law requires a county from which a person is committed to the division to pay to the state an annual rate of \$24,000 for the time the person remains in an institution under the direct supervision of the division, or in an institution, boarding home, foster home, or other private or public institution in which the person is placed by the division, and cared for and supported at the expense of the division.

This bill would establish a rate of \$24,000 for a person who is committed to the division by a juvenile court on or after July 1, 2018, but would exempt counties from



paying that rate for a person who is 23 years of age or older. The bill would also make technical changes.

Existing law authorizes the Secretary of the Department of Corrections and Rehabilitation, with the approval of the Director of the Division of Juvenile Justice, to transfer to the division a person under 18 years of age who is not committed to the division. Existing law also authorizes a court to order a person who is under 18 years of age to be transferred to the division. Existing law provides that the transfer is solely for the purposes of housing the inmate, allowing participation in the programs available at the institution by the inmate, and allowing division parole supervision of the inmate, and provides that the inmate is deemed to be committed to the Department of Corrections and Rehabilitation and remains subject to the jurisdiction of the Secretary of the Department of Corrections and Rehabilitation and the Board of Parole Hearings. Existing law extends the duration of the transfer until any one of specified circumstances occurs, including that the inmate reaches 18 years of age, but authorizes the transfer to extend until the inmate's period of incarceration is completed if that period of incarceration would be completed on or before the inmate's 21st birthday.

This bill would authorize the duration of the transfer to extend until the inmate's period of incarceration is completed if that period of incarceration would be completed on or before the inmate's 25th birthday. The bill would make this authority retroactive.

The bill would also delete obsolete references.

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

