

An act to amend Sections 7522.57, 11555, 11556, 12838, and 12838.4 of the Government Code, to amend Sections 5075, 5075.1, 5075.6, and 5076.1 of the Penal Code, and to amend Sections 1716, 1719, 1720, 1723, 1725, 1766, and 1767.3 of, to amend the heading of Article 2.5 (commencing with Section 1716) of Chapter 1 of Division 2.5 of, and to add Sections 1718, 1721, 1722, 1724, and 1728 to, the Welfare and Institutions Code, relating to juveniles.



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

SECTION 1. Section 7522.57 of the Government Code is amended to read:

7522.57. (a) This section shall apply to any retired person who is receiving a pension benefit from a public retirement system and is first appointed on or after January 1, 2013, to a salaried position on a state board or commission. This section shall supersede any other provision in conflict with this section.

(b) A person who is retired from a public retirement system may serve without reinstatement from retirement or loss or interruption of benefits provided that appointment is to a part-time state board or commission. A retired person whose employment without reinstatement is authorized by this subdivision shall acquire no benefits, service credit, or retirement rights with respect to the employment. Unless otherwise defined in statute, for the purpose of this section, a part-time appointment shall mean an appointment with a salary of no more than \$60,000 annually, which shall be increased in any fiscal year in which a general salary increase is provided for state employees. The amount of the increase provided by this section shall be comparable to, but shall not exceed, the percentage of the general salary increases provided for state employees during that fiscal year.

(c) A person who is retired from the Public Employees' Retirement System shall not serve on a full-time basis on a state board or commission without reinstatement unless that person serves as a nonsalaried member of the board or commission and receives only per diem authorized to all members of the board or commission. A person who serves as a nonsalaried member of a board or commission shall not earn any



service credit or benefits in the Public Employees' Retirement System or make contributions with respect to the service performed.

(d) A person retired from a public retirement system other than the Public Employees' Retirement System who is appointed on a full-time basis to a state board or commission shall choose one of the following options:

(1) The person may serve as a nonsalaried member of the board or commission and continue to receive his or her retirement allowance, in addition to any per diem authorized to all members of the board or commission. The person shall not earn service credit or benefits in the Public Employees' Retirement System and shall not make contributions with respect to the service performed.

(2) (A) The person may suspend his or her retirement allowance or allowances and instate as a new member of the Public Employees' Retirement System for the service performed on the board or commission. The pensionable compensation earned pursuant to this paragraph shall not be eligible for reciprocity with any other retirement system or plan.

(B) Upon retiring for service after serving on the board or commission, the appointee shall be entitled to reinstatement of any suspended benefits, including employer provided retiree health benefits, that he or she was entitled to at the time of being appointed to the board or commission.

(e) Notwithstanding subdivisions (c) and (d), a person who retires from a public employer may serve without reinstatement from retirement or loss or interruption of benefits provided by the retirement system upon appointment to a full-time state board



pursuant to Section 5075 of the ~~Penal Code~~ Code or Section 1718 of the Welfare and Institutions Code.

SEC. 2. Section 11555 of the Government Code is amended to read:

11555. (a) Effective January 1, 1988, an annual salary of seventy-one thousand five hundred eighty-seven dollars (\$71,587) shall be paid to the following:

- (1) Chairperson of the Board of Parole Hearings.
- (2) Chairperson of the Occupational Safety and Health Appeals Board.
- (3) Chairperson of the Board of Juvenile Hearings.

(b) The annual compensation provided by this section shall be increased in any fiscal year in which a general salary increase is provided for state employees. The amount of the increase provided by this section shall be comparable to, but shall not exceed, the percentage of the general salary increases provided for state employees during that fiscal year.

(c) Notwithstanding subdivision (b), any salary increase is subject to Section 19825.5.

SEC. 3. Section 11556 of the Government Code is amended to read:

11556. (a) Effective January 1, 1988, an annual salary of sixty-nine thousand seventy-six dollars (\$69,076) shall be paid to each of the following:

- (1) Commissioner of the Board of Parole Hearings.
- (2) Member of the Occupational Safety and Health Appeals Board.
- (3) Commissioner of the Board of Juvenile Hearings.

(b) The annual compensation provided by this section shall be increased in any fiscal year in which a general salary increase is provided for state employees. The



amount of the increase provided by this section shall be comparable to, but shall not exceed, the percentage of the general salary increases provided for state employees during that fiscal year.

(c) Notwithstanding subdivision (b), any salary increase is subject to Section 19825.5.

SEC. 4. Section 12838 of the Government Code is amended to read:

12838. (a) There is hereby created in state government the Department of Corrections and Rehabilitation, to be headed by a secretary, who shall be appointed by the Governor, subject to Senate confirmation, and shall serve at the pleasure of the Governor. The Department of Corrections and Rehabilitation shall consist of Adult Operations, Adult Programs, Health Care Services, Juvenile Justice, the Board of Parole Hearings, the Board of Juvenile Hearings, the State Commission on Juvenile Justice, the Prison Industry Authority, and the Prison Industry Board.

(b) The Governor, upon recommendation of the secretary, may appoint three undersecretaries of the Department of Corrections and Rehabilitation, subject to Senate confirmation. The undersecretaries shall hold office at the pleasure of the Governor. One undersecretary shall oversee administration and offender services, one undersecretary shall oversee health care services, and one undersecretary shall oversee operations for the department.

(c) The Governor, upon recommendation of the secretary, shall appoint a Chief for the Office of Victim Services, and a Chief for the Office of Correctional Safety, both of whom shall serve at the pleasure of the Governor.

SEC. 5. Section 12838.4 of the Government Code is amended to read:



12838.4. The Board of Parole Hearings is hereby created. The Board of Parole Hearings shall be comprised of ~~17~~ 14 commissioners, who shall be appointed by the Governor, subject to Senate confirmation, for three-year terms. The Board of Parole Hearings hereby succeeds to, and is vested with, all the powers, duties, responsibilities, obligations, liabilities, and jurisdiction of the following entities, which shall no longer exist: Board of Prison Terms, Narcotic Addict Evaluation Authority, and Youthful Offender Parole Board. For purposes of this article, the above entities shall be known as "predecessor entities."

SEC. 6. Section 5075 of the Penal Code is amended to read:

5075. (a) Commencing July 1, 2005, there is hereby created the Board of Parole Hearings. As of July 1, 2005, any reference to the Board of Prison Terms in this or any other code refers to the Board of Parole Hearings. As of that date, the Board of Prison Terms is abolished.

(b) The Governor shall appoint ~~17~~ 14 commissioners, subject to Senate confirmation, pursuant to this section. ~~Of those 17 commissioners, 12~~ These commissioners shall be appointed and trained to hear only adult matters, ~~and five shall be appointed and trained to hear only juvenile matters.~~ The terms of the commissioners shall expire as follows: eight on July 1, 2007, and nine on July 1, 2008. Successor commissioners shall hold office for terms of three years, each term to commence on the expiration date of the predecessor. Any appointment to a vacancy that occurs for any reason other than expiration of the term shall be for the remainder of the unexpired term. Commissioners are eligible for reappointment. The selection of persons and their appointment by the Governor and confirmation by the Senate shall reflect as nearly as



possible a cross section of the racial, sexual, economic, and geographic features of the population of the state.

(c) The chair of the board shall be designated by the Governor periodically. The Governor may appoint an executive officer of the board, subject to Senate confirmation, who shall hold office at the pleasure of the Governor. The executive officer shall be the administrative head of the board and shall exercise all duties and functions necessary to insure that the responsibilities of the board are successfully discharged. The secretary shall be the appointing authority for all civil service positions of employment with the board.

(d) Each commissioner shall participate in hearings on each workday, except when it is necessary for a commissioner to attend training, en banc hearings or full board meetings, or other administrative business requiring the participation of the commissioner. For purposes of this subdivision, these hearings shall include parole consideration hearings, parole rescission hearings, and parole progress hearings.

SEC. 7. Section 5075.1 of the Penal Code is amended to read:

5075.1. The Board of Parole Hearings shall do all of the following:

(a) Conduct parole consideration hearings, parole rescission hearings, and parole progress hearings for adults and juveniles under the jurisdiction of the department.

(b) Conduct mentally disordered offender hearings.

(c) Conduct sexually violent predator hearings.

(d) Review inmates' requests for reconsideration of denial of good-time credit and setting of parole length or conditions, pursuant to Section 5077.



(e) Determine revocation of parole for adult offenders under the jurisdiction of the Division of Adult Parole Operations, pursuant to Section 5077.

~~(f) Carry out the functions described in Section 1719 of the Welfare and Institutions Code, and make every order granting and revoking parole and issuing final discharges to any person under the jurisdiction of the Department of Corrections and Rehabilitation.~~

~~(g)~~

(f) Conduct studies pursuant to Section 3150 of the Welfare and Institutions Code.

~~(h)~~

(g) Investigate and report on all applications for reprieves, pardons, and commutation of sentence, as provided in Title 6 (commencing with Section 4800) of Part 3.

~~(i)~~

(h) Exercise other powers and duties as prescribed by law.

~~(j)~~

(i) Effective January 1, 2007, all commissioners appointed and trained to hear juvenile parole matters, together with their duties prescribed by law as functions of the Board of Parole Hearings concerning wards under the jurisdiction of the Department of Corrections and Rehabilitation, are transferred to the Director of the Division of Juvenile Justice. All applicable regulations in effect at the time of transfer shall be deemed to apply to those commissioners until new regulations are adopted.

SEC. 8. Section 5075.6 of the Penal Code is amended to read:



~~5075.6. (a) (1) Commissioners and deputy commissioners hearing matters pursuant to subdivision (f) of Section 5075.1, or any other matter involving wards under the jurisdiction of the Division of Juvenile Facilities, shall have a broad background in, and ability for, appraisal of youthful law offenders and delinquents; the circumstances of delinquency for which those persons are committed; and the evaluation of an individual's progress toward reformation. Insofar as practicable, commissioners and deputy commissioners selected to hear these matters also shall have a varied and sympathetic interest in youth correction work and shall have experience or education in the fields of corrections, sociology, law, law enforcement, mental health, medicine, drug treatment, or education.~~

~~(2) Within 60 days of appointment and annually thereafter, commissioners and deputy commissioners described in subdivision (a) shall undergo a minimum of 40 hours of training in the following areas:~~

~~(A) Treatment and training programs provided to wards at Department of Corrections and Rehabilitation institutions, including, but not limited to, educational, vocational, mental health, medical, substance abuse, psychotherapeutic counseling, and sex offender treatment programs.~~

~~(B) Current national research on effective interventions with juvenile offenders and how they compare to department program and treatment services.~~

~~(C) Parole Services.~~

~~(D) Commissioner duties and responsibilities.~~

~~(E) Knowledge of laws and regulations applicable to conducting parole hearings, including the rights of victims, witnesses, and wards.~~



~~(F) Factors influencing ward lengths of stay and ward recidivism rates and their relationship to one another.~~

~~(b)(1)~~

5075.6. (a) Commissioners and deputy commissioners hearing matters concerning adults under the jurisdiction of the Department of Corrections and Rehabilitation shall have a broad background in criminal justice and an ability for appraisal of adult offenders, the crimes for which those persons are committed, and the evaluation of an individual's progress toward reformation. Insofar as practicable, commissioners and deputy commissioners shall have a varied interest in adult correction work, public safety, and shall have experience or education in the fields of corrections, sociology, law, law enforcement, medicine, mental health, or education.

~~(2)~~

(b) All commissioners and deputy commissioners who conduct hearings for the purpose of considering the parole suitability of inmates, the setting of a parole release date for inmates, or the revocation of parole for adult parolees, shall, within 60 days of appointment and annually thereafter undergo a minimum of 40 hours of training in the following areas:

~~(A)~~

(1) Treatment and training programs provided to inmates at Department of Corrections and Rehabilitation institutions, including, but not limited to, educational, vocational, mental health, medical, substance abuse, psychotherapeutic counseling, and sex offender treatment programs.

~~(B)~~



(2) Parole services.

(C)

(3) Commissioner duties and responsibilities.

(D)

(4) Knowledge of laws and regulations applicable to conducting parole hearings, including the rights of victims, witnesses, and inmates.

SEC. 9. Section 5076.1 of the Penal Code is amended to read:

5076.1. (a) The board shall meet at each of the state prisons and facilities under the jurisdiction of ~~the Division of Juvenile Facilities;~~ the Division of Adult Institutions. Meetings shall be held at whatever times may be necessary for a full and complete study of the cases of all inmates ~~and wards~~ whose matters are considered. Other times and places of meeting may also be designated by the board. Each commissioner of the board shall receive his or her actual necessary traveling expenses incurred in the performance of his or her official duties. Where the board performs its functions by meeting en banc in either public or executive sessions to decide matters of general policy, at least seven members shall be present, and no action shall be valid unless it is concurred in by a majority vote of those present.

(b) The board may use deputy commissioners to whom it may assign appropriate duties, including hearing cases and making decisions. Those decisions shall be made in accordance with policies approved by a majority of the total membership of the board.

(c) The board may meet and transact business in panels. Each panel shall consist of two or more persons, subject to subdivision (d) of Section 3041. No action shall be



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valid unless concurred in by a majority vote of the persons present. In the event of a tie vote, the matter shall be referred to a randomly selected committee, comprised of a majority of the commissioners specifically appointed to hear adult parole matters and who are holding office at the time.

~~(d) When determining whether commissioners or deputy commissioners shall hear matters pursuant to subdivision (f) of Section 5075.1, or any other matter submitted to the board involving wards under the jurisdiction of the Division of Juvenile Facilities, the chair shall take into account the degree of complexity of the issues presented by the case. Any decision resulting in the extension of a parole consideration date shall entitle a ward to appeal the decision to a panel comprised of two or more commissioners, of which no more than one may be a deputy commissioner. The panel shall consider and act upon the appeal in accordance with rules established by the board.~~

(e)

(d) Consideration of parole release for persons sentenced to life imprisonment pursuant to subdivision (b) of Section 1168 shall be heard by a panel of two or more commissioners or deputy commissioners, of which only one may be a deputy commissioner. A recommendation for recall of a sentence under subdivisions (d) and (e) of Section 1170 shall be made by a panel, a majority of whose commissioners are commissioners of the Board of Parole Hearings.

SEC. 10. The heading of Article 2.5 (commencing with Section 1716) of Chapter 1 of Division 2.5 of the Welfare and Institutions Code is amended to read:

Article 2.5. ~~Youthful Offender Parole Board~~ Board of Juvenile Hearings



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SEC. 11. Section 1716 of the Welfare and Institutions Code is amended to read:

1716. Commencing July 1, ~~2005~~, 2016, any reference to the Youth Authority Board refers to the Board of ~~Parole~~ Juvenile Hearings. ~~As of that date, the Youth Authority Board is abolished.~~

SEC. 12. Section 1718 is added to the Welfare and Institutions Code, to read:

1718. (a) The Governor shall appoint three commissioners, subject to Senate confirmation, to the Board of Juvenile Hearings. These commissioners shall be appointed and trained to hear only juvenile matters. The term of appointment for each commissioner shall be five years, and each term shall commence on the expiration of the predecessor. Each commissioner currently serving on the Board of Parole Hearings to hear only juvenile matters shall continue to serve as a commissioner of the Board of Juvenile Hearings until his or her current term expires. The Governor shall stagger the remaining vacancies as follows: one commissioner term to expire on July 1, 2018 and one commissioner term to expire on July 1, 2019. Any appointment to a vacancy that occurs for any reason other than expiration of the term shall be for the remainder of the unexpired term. Commissioners are eligible for reappointment. The selection of persons and their appointment by the Governor and confirmation by the Senate shall reflect as nearly as possible a cross section of the racial, sexual, economic, and geographic features of the population of the state.

(b) The chair of the Board of Juvenile Hearings shall be designated by the Governor periodically. The Governor may appoint an executive officer of the board, subject to Senate confirmation, who shall hold office at the pleasure of the Governor. The executive officer shall be the administrative head of the board and shall exercise



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all duties and functions necessary to ensure that the responsibilities of the board are successfully discharged. The director of the Division of Juvenile Facilities shall be the hiring authority for all civil service positions of employment with the board.

(c) Each commissioner shall participate in hearings, including discharge consideration hearings, initial case reviews, annual reviews, and discharge rescission hearings pursuant to paragraph (7) of subdivision (b) of Section 1766.

SEC. 13. Section 1719 of the Welfare and Institutions Code is amended to read:

1719. (a) The following powers and duties shall be exercised and performed by the ~~Juvenile Parole Board~~: Board of Juvenile Hearings: discharges of commitment, orders for discharge from the jurisdiction of the Division of Juvenile Facilities to the jurisdiction of the committing court, ~~and disciplinary appeals~~: discharge rescission, initial case reviews, and annual reviews.

(b) Any ward may appeal a decision by the ~~Juvenile Parole Board~~ Board of Juvenile Hearings to deny discharge or rescind a discharge order to a panel comprised of at least two commissioners.

(c) The following powers and duties shall be exercised and performed by the Division of Juvenile Facilities: return of persons to the court of commitment for redispotion by the court or a reentry disposition, determination of offense category, setting of discharge consideration dates, ~~conducting annual reviews~~, developing and updating individualized treatment program orders, plans, institution placements, furlough placements, return of nonresident persons to the jurisdiction of the state of legal residence, disciplinary decisionmaking, and referrals pursuant to Section 1800.



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(d) The department shall promulgate policies and regulations implementing a departmentwide system of graduated sanctions for addressing ward disciplinary matters. The disciplinary decisionmaking system shall be employed as the disciplinary system in facilities under the jurisdiction of the Division of Juvenile Facilities, and shall provide a framework for handling disciplinary matters in a manner that is consistent, timely, proportionate, and ensures the due process rights of wards. The department shall develop and implement a system of graduated sanctions that distinguishes between minor, intermediate, and serious misconduct. The department may not extend a ward's discharge consideration date. The department also may promulgate regulations to establish a process for granting wards who have successfully responded to disciplinary sanctions a reduction of any time acquired for disciplinary matters.

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

SEC. 14. Section 1720 of the Welfare and Institutions Code is amended to read:

1720. (a) The case of each ward shall be reviewed by the ~~department~~ Board of Juvenile Hearings within 45 days of arrival at the department, and at other times as is necessary to meet the powers or duties of the board.

(b) ~~The Division of Juvenile Facilities~~ Board of Juvenile Hearings shall periodically review the case of each ~~ward for the purpose of determining whether existing orders and dispositions in individual cases should be modified or continued in force;~~ ward. These reviews shall be made as frequently as the ~~department~~ Board of Juvenile Hearings considers desirable and shall be made with respect to each ward at intervals not exceeding one year.





1721. (a) The Board of Juvenile Hearings shall meet at each of the facilities under the jurisdiction of the Division of Juvenile Facilities. Meetings shall be held at whatever times may be necessary for a full and complete study of the cases of all wards whose matters are considered. Other times and places of meeting may also be designated by the board, including, but not limited to, prisons or state facilities housing wards under the jurisdiction of the Division of Juvenile Facilities. Each commissioner of the board shall receive his or her actual necessary traveling expenses incurred in the performance of his or her official duties. If the board performs its functions by meeting en banc in either public or executive sessions to decide matters of general policy, no action shall be valid unless it is concurred in by a majority vote of those present.

(b) The Board of Juvenile Hearings may utilize board representatives to whom it may assign appropriate duties, including hearing cases and making decisions. Those decisions shall be made in accordance with policies approved by a majority of the total membership of the board. When determining whether commissioners or board representatives shall hear matters pursuant to subdivision (a) of Section 1719, or any other matter submitted to the board involving wards under the jurisdiction of the Division of Juvenile Facilities, the chair shall take into account the degree of complexity of the issues presented by the case.

(c) The board shall exercise the powers and duties specified in subdivision (a) of Section 1719 in accordance with rules and regulations adopted by the board. The board may conduct discharge and rescission hearings in panels. Each panel shall consist of two or more persons, at least one of whom shall be a commissioner. No panel action



shall be valid unless concurred in by a majority vote of the persons present; in the event of a tie vote, the matter shall be referred to and heard by the board en banc.

SEC. 16. Section 1722 is added to the Welfare and Institutions Code, to read:

1722. (a) Any rules and regulations, including any resolutions and policy statements, promulgated by the Board of Juvenile Hearings, shall be promulgated and filed pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and shall, to the extent practical, be stated in language that is easily understood by the general public.

(b) The Board of Juvenile Hearings shall maintain, publish, and make available to the general public a compendium of its rules and regulations, including any resolutions and policy statements, promulgated pursuant to this section.

(c) Notwithstanding subdivision (a) and (b), the chairperson may specify an effective date that is any time more than 30 days after the rule or regulation is filed with the Secretary of State. However, no less than 20 days prior to that effective date, copies of the rule or regulation shall be posted in conspicuous places throughout each institution and shall be mailed to all persons or organizations who request them.

SEC. 17. Section 1723 of the Welfare and Institutions Code is amended to read:

1723. (a) ~~Every order granting or revoking parole or issuing final discharges to any person under the jurisdiction of the division shall be made~~ The powers and duties of the board described in subdivision (a) of Section 1719 shall be exercised and performed by the board or its designee, as authorized by this article.

(b) All other powers conferred to the board concerning wards under the jurisdiction of the division may be exercised through subordinates or delegated to the



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division under rules established by the board. Any person subjected to an order of those subordinates or of the division pursuant to that delegation may petition the board for review. The board may review those orders under appropriate rules and regulations.

(c) All board designees shall be subject to the training required pursuant to ~~Section 5075.6 of the Penal Code.~~ 1724.

SEC. 18. Section 1724 is added to the Welfare and Institutions Code, to read:

1724. (a) Commissioners and board representatives hearing matters pursuant to subdivision (a) of Section 1719 or any other matter involving wards under the jurisdiction of the Division of Juvenile Facilities, shall have a broad background in, and ability to perform or understand, appraisal of youthful offenders and delinquents, the circumstances of delinquency for which those persons are committed, and the evaluation of an individual's progress toward reformation. Insofar as practicable, commissioners and board representatives selected to hear these matters also shall have a varied and sympathetic interest in juvenile justice and shall have experience or education in the fields of juvenile justice, sociology, law, law enforcement, mental health, medicine, drug treatment, or education.

(b) Within 60 days of appointment and annually thereafter, commissioners and board representatives described in subdivision (a) shall undergo a minimum of 40 hours of training in the following areas:

(1) Adolescent brain development, the principles of cognitive behavioral therapy, and evidence-based treatment and recidivism-reduction models.



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1728. The Governor may remove any member of the Board of Juvenile Hearings for misconduct, incompetency, or neglect of duty after a full hearing by the Board of State and Community Corrections.

SEC. 21. Section 1766 of the Welfare and Institutions Code is amended to read:

1766. (a) Subject to Sections 733 and 1767.35, and subdivision (b) of this section, if a person has been committed to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, the ~~Juvenile Parole Board~~, Board of Juvenile Hearings, according to standardized review and appeal procedures established by the board in policy and regulation and subject to the powers and duties enumerated in subdivision (a) of Section 1719, may do any of the following:

(1) Set a date on which the ward shall be discharged from the jurisdiction of the Division of Juvenile Facilities and permitted his or her liberty under supervision of probation and subject to the jurisdiction of the committing court pursuant to subdivision (b).

(2) ~~Order his or her confinement under conditions the board believes best designed for the protection of the public pursuant to the purposes set forth in Section 1700; Deny discharge,~~ except that a person committed to the division pursuant to Section 731 or 1731.5 ~~may~~ shall not be held in physical confinement for a total period of time in excess of the maximum periods of time set forth in Section 731.

(3) ~~Discharge him or her from any formal supervision when the board is satisfied that discharge is consistent with the protection of the public.~~

(3) Rescind grants of discharge subject to paragraph (7) of subdivision (b).



(b) The following provisions shall apply to any ward eligible for discharge from his or her commitment to the custody of the Department of Corrections and Rehabilitation, Division of Juvenile Facilities. Any order entered by the court pursuant to this subdivision shall be consistent with evidence-based practices and the interest of public safety.

(1) The county of commitment shall supervise the reentry of any ward still subject to the court's jurisdiction and discharged from the jurisdiction of the Division of Juvenile Facilities. The conditions of the ward's supervision shall be established by the court pursuant to the provisions of this section.

(2) Not less than 60 days prior to the scheduled discharge consideration hearing of a ward described in this subdivision, the division shall provide to the probation department and the court of the committing county, and the ward's counsel, if known, the most recent written review prepared pursuant to Section 1720, along with notice of the discharge consideration hearing date.

(3) (A) Not less than 30 days prior to the scheduled discharge consideration hearing, the division shall notify the ward of the date and location of the discharge consideration hearing. A ward shall have the right to contact his or her parent or guardian, if he or she can reasonably be located, to inform the parent or guardian of the date and location of the discharge consideration hearing. The division shall also allow the ward to inform other persons identified by the ward, if they can reasonably be located, and who are considered by the division as likely to contribute to a ward's preparation for the discharge consideration hearing or the ward's postrelease success.

(B) This paragraph shall not apply if either of the following conditions is met:



(i) A minor chooses not to contact his or her parents, guardians, or other persons and the director of the division facility determines it would be in the best interest of the minor not to contact the parents, guardians, or other persons.

(ii) A person 18 years of age or older does not consent to the contact.

(C) Upon intake of a ward committed to a division facility, and again upon attaining 18 years of age while serving his or her commitment in the custody of the division, an appropriate staff person shall explain the provisions of subparagraphs (A) and (B), using language clearly understandable to the ward.

(D) Nothing in this paragraph shall be construed to limit the right of a ward to an attorney under any other law.

(4) Not less than 30 days prior to the scheduled discharge consideration hearing of a ward described in this subdivision, the probation department of the committing county may provide the division with its written plan for the reentry supervision of the ward. At the discharge consideration hearing, the Juvenile Parole Board of Juvenile Hearings shall, in determining whether the ward is to be released, consider a reentry supervision plan submitted by the county.

(5) If the Juvenile Parole Board of Juvenile Hearings determines that a ward is ready for discharge to county supervision pursuant to subdivision (a), the board shall set a date for discharge from the jurisdiction of the Division of Juvenile Facilities no less than 14 days after the date of such determination. The board shall also record any postrelease recommendations for the ward. These recommendations will be sent to the committing court responsible for setting the ward's conditions of supervision no later than seven days from the date of such determination.



(6) No more than four days but no less than one day prior to the scheduled date of the reentry disposition hearing before the committing court, the Division of Juvenile Facilities shall transport and deliver the ward to the custody of the probation department of the committing county. On or prior to a ward's date of discharge from the Division of Juvenile Facilities, the committing court shall convene a reentry disposition hearing for the ward. The purpose of the hearing shall be for the court to identify those conditions of supervision that are appropriate under all the circumstances of the case and consistent with evidence-based practices. The court shall, to the extent it deems appropriate, incorporate postrelease recommendations made by the board as well as any reentry plan submitted by the county probation department and reviewed by the board into its disposition order. At the hearing the ward shall be fully informed of the terms and conditions of any order entered by the court, including the consequences for any violation thereof. The procedure of the reentry disposition hearing shall otherwise be consistent with the rules, rights, and procedures applicable to delinquency disposition hearings as described in Article 17 (commencing with Section 675) of Chapter 2 of Part 1 of Division 2.

(7) The Board of Juvenile Hearings shall retain jurisdiction to rescind grants of discharge in the event that a ward engages in serious misconduct or deteriorates mentally or emotionally and becomes a danger to himself or herself or the public. The board's jurisdiction to rescind discharge is limited to the period of time after a grant of discharge, but prior to the entry of an order by the committing court establishing the terms of postrelease supervision.

(7) The



(8) Except as provided in paragraph (7), the Department of Corrections and Rehabilitation shall have no further jurisdiction over a ward who is discharged by the board.

~~(8)~~

(9) Notwithstanding any other law or any other provision of this section, commencing January 1, 2013, all wards who remain on parole under the jurisdiction of the Division of Juvenile Facilities shall be discharged, except for wards who are in custody pending revocation proceedings or serving a term of revocation. A ward that is pending revocation proceedings or serving a term of revocation shall be discharged after serving his or her revocation term, including any revocation extensions, or when any allegations of violating the terms and conditions of his or her parole are not sustained.

(c) Within 60 days of intake, the Division of Juvenile Facilities shall provide the court and the probation department with a treatment plan for the ward.

(d) Commencing January 1, 2013, and annually thereafter, for the preceding fiscal year, the department shall collect and make available to the public the following information:

(1) The total number of ward case reviews conducted by the division and the board, categorized by guideline category.

(2) The number of discharge consideration dates for each category set at guideline, above guideline, and below guideline.



(3) The number of ward case reviews resulting in a change to a discharge consideration date, including the category assigned to the ward and the specific reason for the change.

(4) The percentage of wards who have had a discharge consideration date changed to a later date, the percentage of wards who have had a discharge consideration date changed to an earlier date, and the average annual time added or subtracted per case.

(5) The number and percentage of wards who, while confined or on parole, are charged with a new misdemeanor or felony criminal offense.

(6) Any additional data or information identified by the department as relevant.

(e) As used in subdivision (d), the term "ward case review" means any review of a ward that changes, maintains, or appreciably affects the programs, treatment, or placement of a ward.

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

SEC. 22. Section 1767.3 of the Welfare and Institutions Code is amended to read:

~~1767.3. (a) The Juvenile Parole Board may suspend, cancel, or revoke any parole and may order returned to custody, as specified in Section 1767.35, any person under the jurisdiction of the Division of Juvenile Parole Operations.~~

~~(b) The written order of the Director of the Division of Juvenile Justice is a sufficient warrant for any peace officer to return to custody any person under the jurisdiction of the Division of Juvenile Parole Operations.~~

(e)



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1767.3. (a) The written order of the Director of the Division of Juvenile Justice is a sufficient warrant for ~~any peace officer to return to custody, pending further proceedings before the Juvenile Parole Board, any person under the jurisdiction of the Division of Juvenile Parole Operations, or for~~ any peace officer to return to custody any person who has escaped from the custody of the Division of Juvenile Facilities or from any institution or facility in which he or she has been placed by the division.

(d)

(b) All peace officers shall execute the orders in like manner as a felony warrant.



## LEGISLATIVE COUNSEL'S DIGEST

Bill No.

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

General Subject: Board of Juvenile Hearings.

Existing law establishes the Department of Corrections and Rehabilitation, which consists of, among other divisions, the Board of Parole Hearings. The Board of Parole Hearings is comprised of 17 commissioners, appointed by the Governor, subject to confirmation by the Senate, for 3-year terms. Of those 17 commissioners, existing law requires 5 to be appointed and trained to hear only juvenile matters. Within 60 days of appointment and annually thereafter, existing law requires the commissioners and deputy commissioners to undergo a minimum of 40 hours of training in specified areas, including treatment and training programs provided to wards. Existing law requires the board to, among other things, conduct parole consideration hearings, parole rescission hearings, and parole progress hearings for adults and juveniles under the jurisdiction of the department and discharges of commitment, orders for discharge from the jurisdiction of the Division of Juvenile Facilities to the jurisdiction of the





The bill would authorize the Board of Juvenile Hearings to retain jurisdiction to rescind grants of discharge in the event a ward engages in serious misconduct or deteriorates mentally or emotionally and becomes a danger to himself or herself or the public, as specified.

The bill would delete references to the Juvenile Parole Board and would refer instead to the Board of Juvenile Hearings. The bill would delete other obsolete provisions and make other conforming changes to implement the creation of the Board of Juvenile Hearings.

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



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