

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: April 16, 2007  
POSITION: Oppose

BILL NUMBER: SB 265  
AUTHOR: G. Romero

**BILL SUMMARY: Division of Juvenile Justice: Specialized Programming**

This bill would require the California Department of Corrections and Rehabilitation (CDCR), Division of Juvenile Justice (DJJ) to explore options to provide specialized programming outside of DJJ facilities for high risk or high need juvenile offenders, as specified, and transfer all female offenders out of DJJ facilities on or before January 1, 2009.

**FISCAL SUMMARY**

The CDCR indicates that given the ambiguity of this bill, it is difficult to accurately determine the costs at this time. However, the CDCR notes that all juveniles sent to their facilities can be classified as either high risk or high need and are sent to the DJJ because counties are unable to find alternative placements that provide the level of care needed. As such, the CDCR indicates that entities outside of the DJJ would have to create adequate programming, such as mental health, intensive behavior, and sex behavior treatment, and the costs could be similar to, if not in excess of, the DJJ's current per capita cost of approximately \$188,000.

We note that the 2006 Budget Act includes funding to implement the Safety and Welfare Remedial Plan required by the *Farrell* lawsuit, which includes \$5,475,000 to begin contracting-out services for female offenders in fiscal year 2006-07 and \$8,640,000 for such services in 2007-08. **The DJJ has already released a Request for Proposals to determine if there is interest from outside service providers capable of housing and treating female offenders in a community setting.**

**COMMENTS**

The Department of Finance is opposed to this bill because it would result in additional costs that are not included in the 2007-08 Governor's Budget, and it is unnecessary given that the DJJ either already has discretion to perform, or is currently performing, certain requirements of this bill. In addition, we note that this bill is similar to SB 1589 (Romero), which was introduced in 2005-06 and was vetoed by the Governor. In his veto message, the Governor stated that as part of the Safety and Welfare Remedial Plan, the DJJ is currently working on the development and implementation of gender-specific services, including contracting-out services for female offenders. Further, the Governor stated that the bill would do nothing more than encourage the DJJ to conduct activities that they are already performing.

Existing law provides that the DJJ has jurisdiction over all educational training and treatment institutions established and maintained in the state as correctional schools for the reception of wards of the juvenile court and other persons committed to the DJJ. The DJJ may do all lawful acts which it deems necessary to effectuate the purposes for which such schools are established, and to promote the well-being, education and reformation of the wards, but the authority may not incur any indebtedness in excess of the moneys appropriated or otherwise made available for the use of such schools.

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Analyst/Principal (0236) A. Hicks	Date	Program Budget Manager Todd Jerue	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

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**BILL ANALYSIS** Form DF-43 (Rev 03/95 Buff)

G. Romero

April 16, 2007

SB 265

**COMMENTS** (continued)

This bill would:

- Require the DJJ to explore options to provide specialized programming outside of DJJ facilities for high risk or high need offenders, if programming is available. Specialized programs for these offenders must take into account commitment offenses, delinquency history, age, gender, medical and mental health condition, risk levels, and any other commitment criteria.
- Allow the DJJ to consider changes with respect to eligibility, age, jurisdiction, or length of confinement in order to ensure quality programming within DJJ facilities.
- Require the DJJ to explore options to provide programming for female offenders outside of DJJ facilities.
- Require the DJJ, on or before January 1, 2009, to transfer all female offenders out of DJJ facilities.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							Fund Code
	LA	(Dollars in Thousands)							
	CO	PROP							
	RV	98	FC	2006-2007	FC	2007-2008	FC	2008-2009	
5225/Corr & Rehab	SO	No		----- See Fiscal Summary -----				0001	