

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: 03/21/2012
POSITION: Oppose

BILL NUMBER: AB 1849
AUTHOR: Carter, Wilmer
RELATED BILLS: AB 446 (Carter)

BILL SUMMARY: Juveniles: restorative justice.

This bill would authorize a county to adopt a restorative justice program to address the needs of minors, victims, and the community, as specified. This bill would also require the Administrative Office of the Courts (AOC) to establish a pilot program to adopt restorative justice principles, policies, and protocols, in five or more counties. In addition, this bill would require that upon recommendation by the AOC, counties participating in this pilot would be required to implement restorative justice programs no later than January 1, 2014. Lastly, this bill would require the AOC, on or before July 1, 2018, to submit a report to the Judicial Council on the performance of the restorative justice programs selected to take part in this pilot.

FISCAL SUMMARY

At the time of the analysis, the AOC had not provided a fiscal estimate of the bill. However, by requiring the AOC to establish a pilot program to adopt restorative justice principles, policies, and protocols, in five or more counties, and to submit a report on the outcomes of this pilot program, this bill could create significant costs. This bill prohibits the use of General Fund monies for these purposes. Therefore, it is anticipated that the AOC would fund the costs associated with this bill through the Trial Court Trust Fund (TCTF).

COMMENTS

The Department of Finance is opposed to this bill because it would impose new duties on the AOC and strain the limited resources available in the TCTF. In addition, this bill is unnecessary because California's juvenile justice system is already rehabilitation-based, and the juvenile courts currently have the authority to create restorative justice programs.

Existing law provides that a minor under the jurisdiction of the juvenile court who is in need of protective services is to receive care, treatment, and guidance consistent with his or her best interest and the best interest of the public. Existing law also provides that a minor under the jurisdiction of the juvenile court as a consequence of delinquent conduct is to receive care, treatment, and guidance consistent with his or her best interest and that holds the minor accountable for his or her behavior, and is appropriate for his or her circumstance.

This bill would authorize a county to adopt a restorative justice program to address the needs of minors, victims, and the community and require the program to be implemented through a restorative justice protocol developed by the juvenile court in conjunction with the prosecutor, public defender, probation, and other interested groups

This bill is substantially similar to AB 446 of 2011 (Carter), which was vetoed as it was deemed unnecessary.

Analyst/Principal (0236) G.Tiffany	Date	Program Budget Manager Lisa Ann Mangat	Date
Department Deputy Director		Date	
Governor's Office:	By:	Date:	Position Approved _____ Position Disapproved _____
BILL ANALYSIS			Form DF-43 (Rev 03/95 Buff)

BILL ANALYSIS--(CONTINUED)

AUTHOR

AMENDMENT DATE

BILL NUMBER

Carter, Wilmer

03/21/2012

AB 1849

Code/Department Agency or Revenue Type	SO LA CO RV	PROP 98	FC	(Fiscal Impact by Fiscal Year) (Dollars in Thousands)			Fund Code
				2011-2012 FC	2012-2013 FC	2013-2014	
0250/Jud Branch	SO	No		-----	See Fiscal Summary	-----	0932
<u>Fund Code</u> 0932		<u>Title</u> Trial Court Trust Fund					