

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: March 25, 2011
POSITION: Oppose

BILL NUMBER: AB 446
AUTHOR: W. Carter
RELATED BILLS: AB 114 (Carter, 2010)

BILL SUMMARY: Juveniles: Restorative Justice Program

This bill would authorize a county to adopt a restorative justice program to address the needs of minors, victims, and the community, as specified.

We note that a similar bill, AB 114 of 2010 (Carter) was vetoed by Governor Schwarzenegger because it was unnecessary.

FISCAL SUMMARY

The Judicial Branch indicates that this bill would have no fiscal impact on the courts because it is within the courts' discretion to establish a restorative justice program, and the bill prohibits the use of General Fund monies to fund these programs.

COMMENTS

The Department of Finance is opposed to this bill because it is unnecessary. California's juvenile justice system is already rehabilitation-based, and the juvenile courts already 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. The bill provides that the program should seek to repair harm to the victim, the minor, and the community caused by the behavior bringing the minor before the juvenile court, and be tailored to the individual and their offense. The bill specifies that a minor may be referred to the restorative justice program as part of the court's order for informal supervision. This bill would provide that if the court orders the care, custody, and control of the minor to be under supervision of the probation officer for foster care, the minor may be referred to the restorative justice program only to the extent that participation in the program is consistent with both the minor's case plan and that participation does not result in the loss of federal financial participation for the placement of the minor.

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| Analyst/Principal (0211) J. Osborn | Date | Program Budget Manager Lisa Ann L. Mangat | Date |
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| Department Deputy Director | Date |
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| Governor's Office: | By: | Date: | Position Approved _____ |
| | | | Position Disapproved _____ |

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

BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED)

AUTHOR

AMENDMENT DATE

BILL NUMBER

W. Carter

March 25, 2011

AB 446

| Code/Department Agency or Revenue Type | SO | (Fiscal Impact by Fiscal Year) | | | | | | | Fund Code |
|--|----|--------------------------------|----|-----------|----------|---------------|-------|-----------|--------------|
| | LA | (Dollars in Thousands) | | | | | | | |
| | CO | PROP | | | | | | | |
| | RV | 98 | FC | 2011-2012 | FC | 2012-2013 | FC | 2013-2014 | |
| 0250/Jud Branch | LA | No | | ----- | No/Minor | Fiscal Impact | ----- | | 0001 |