

AMENDED IN ASSEMBLY APRIL 9, 2008  
AMENDED IN ASSEMBLY MARCH 24, 2008  
CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2289**

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**Introduced by Assembly Member Sharon Runner**

February 21, 2008

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~~An act to amend Sections 1752.81, 1752.82, 1764.2, 1765, 1767, 1767.1, and 1767.9 of the Welfare and Institutions Code, relating to victims' rights.~~*An act to amend Section 1764.2 of the Welfare and Institutions Code, relating to victims' rights.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2289, as amended, Sharon Runner. Victims' rights.

*Existing law generally provides for the confidentiality of juvenile records and proceedings, except as specified.*

*Existing law requires that the Chief Deputy Secretary for Juvenile Justice release specified information regarding a person committed to the Division of Juvenile Facilities for certain offenses, to the victim of the offense, the next of kin of the victim, or his or her representative as designated by the victim or next of kin, upon request, unless the court has ordered confidentiality for good cause. Existing law also requires that the chief deputy secretary or the chief deputy secretary's designee, with respect to persons committed to the Division of Juvenile Facilities for certain offenses, inform each victim of one of those offenses, the victim's next of kin, or a representative as designated by the victim or next of kin, of his or her right to request and receive that specified information.*

*This bill would require the release of that specified information regarding a person who has been committed to the Division of Juvenile Facilities for any offense instead of certain offenses. The bill would also require the victim, next of kin, or a representative as specified, to be informed of his or her right to request and receive that information with respect to persons committed to the Division of Juvenile Facilities for any offenses instead of certain offenses.*

*The bill would make other technical conforming changes.*

~~Existing law provides that when an adult or a minor is committed to, or housed in, a facility of the Division of Juvenile Facilities and that person owes a restitution fine, or restitution to a victim, imposed as specified, the Chief Deputy Secretary for Juvenile Justice shall deduct the balance owing on the fine amount, or the order, as applicable, from the trust account deposits of the ward, up to a specified amount, and transfer that amount to the California Victim Compensation and Government Claims Board for deposit in the Restitution Fund in the State Treasury. If an adult or minor is committed to, or housed in, a juvenile justice facility, and he or she owes restitution to a victim or a restitution fine imposed as specified, existing law authorizes, but does not require, the chief deputy secretary, to deduct a reasonable amount not to exceed 50% from the wages of that person and transfer that amount for deposit in the Restitution Fund if that person owes a restitution fine or, in the case of a restitution order and upon the request of the victim, pay that amount directly to the victim. Existing law requires the sentencing court or the committing court, as applicable, to be provided with a record of the payments, as specified.~~

~~This bill would revise those provisions to require that the sentencing court or the committing court, as applicable, be provided with a record of any payments upon discharge or full payment of the victim restitution or restitution fine, or both, as specified. The bill would authorize the chief deputy secretary to deduct the balance owed, rather than a reasonable amount, on a restitution order or a restitution fine up to a maximum of 50% of the deposit. The bill would delete the requirement that the victim request payment of restitution in the case of a restitution order.~~

~~Existing law generally provides for the confidentiality of juvenile records and proceedings, except as specified. Existing law authorizes a crime victim, or his or her next of kin if the victim has died or is a minor, to receive written notice of any hearing to consider the release on parole of a person under the control of the Division of Juvenile~~

~~Justice at least 30 days before the hearing, and to speak last before the board at the parole hearing. Existing law authorizes a victim to designate support persons to attend a proceeding if the victim is unable to attend in order to provide information about the impact of the crime on the victim, but requires that the representative be legal counsel for the victim or a family or household member of the victim. Existing law requires the board to consider the victim's statements, as specified. These provisions may not be amended except by statute passed by a  $\frac{2}{3}$  vote.~~

~~This bill would revise, recast, and expand these provisions. The bill would require the Department of Corrections and Rehabilitation to release specified information to a victim or other persons, as specified. The bill would specify the information and the content of the notices that must be provided to a victim or other persons, as specified. The bill would also authorize the department to release other information to those persons upon request. The bill would delete the restrictions described above regarding persons who may be the victim's designee. The bill would allow the board to limit, for safety purposes, the number of persons who may be accommodated at proceedings, as defined. The bill would make other technical and conforming changes.~~

~~Vote:  $\frac{2}{3}$ -majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.~~

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 1764.2 of the Welfare and Institutions  
 2     Code is amended to read:  
 3     1764.2. (a) Notwithstanding any other provision of law, the  
 4     ~~director~~ *chief deputy secretary* or the ~~director's~~ *chief deputy*  
 5     ~~secretary's~~ *designee* shall release the information described in  
 6     Section 1764 regarding a person committed to the ~~Youth Authority~~  
 7     ~~for an offense described in subdivision (a) of Section 676, or an~~  
 8     ~~offense described in Section 273.5, 288, or 646.9 of the Penal Code~~  
 9     ~~Division of Juvenile Facilities~~, to the victim of the offense, the  
 10    next of kin of the victim, or his or her representative as designated  
 11    by the victim or next of kin pursuant to Section 1767, upon request,  
 12    unless the court has ordered confidentiality under subdivision (c)  
 13    of Section 676. The victim or the next of kin shall be identified by  
 14    the court or the probation department in the offender's commitment  
 15    documents before the ~~director~~ *chief deputy secretary* is required  
 16    to disclose this information.

1 (b) The ~~director~~ *chief deputy secretary* or the ~~director's~~ *chief*  
 2 *deputy secretary's* designee shall, with respect to persons  
 3 committed to the ~~Youth Authority~~ *Division of Juvenile Facilities*,  
 4 including persons committed to the Department of Corrections  
 5 *and Rehabilitation* who have been transferred to the ~~Youth~~  
 6 ~~Authority, for an offense described in subdivision (a) of Section~~  
 7 ~~676, or an offense described in Section 273.5, 288, or 646.9 of the~~  
 8 ~~Penal Code~~ *Division of Juvenile Facilities*, inform each victim of  
 9 that offense, the victim's next of kin, or his or her representative  
 10 as designated by the victim or next of kin pursuant to Section 1767,  
 11 of his or her right to request and receive information pursuant to  
 12 subdivision (a) and Section 1767.

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**All matter omitted in this version of the bill  
 appears in the bill as amended in the  
 Assembly, March 24, 2008 (JR11)**