

AMENDED IN ASSEMBLY APRIL 6, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2459

Introduced by Assembly Member Caballero

February 19, 2010

~~An act to add Chapter 4 (commencing with Section 2200) to Division 2.5 of the Welfare and Institutions Code, relating to juveniles. An act to add and repeal Article 4.5 (commencing with Section 1779) of Chapter 1 of Division 2.5 of the Welfare and Institutions Code, relating to juvenile probation.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2459, as amended, Caballero. ~~Juvenile crime prevention: evidence-based programs. offenders: probation.~~

Existing law authorizes the Department of Corrections and Rehabilitation to oversee programs for the purposes of reducing parolee recidivism.

Existing law governs the release of juvenile offenders on probation.

This bill would authorize, until January 1, 2015, each county to establish a Community Juvenile Probation Performance Incentives Fund to be used for specified purposes relating to improving local probation supervision practices and capacities, as specified.

The bill would require the community juvenile probation programs to be developed and implemented by the chief probation officer, as advised by the local Juvenile Justice Coordinating Council and a representative of families of currently incarcerated youth or recently incarcerated youth who are on probation.

~~Existing law sets forth the purpose of juvenile court law, and provides that a minor under the jurisdiction of the juvenile court as a consequence~~

of delinquent conduct shall, in conformity with the interests of public safety and protection, receive care, treatment, and guidance that is consistent with his or her best interest, that holds the minor accountable for his or her behavior, and that is appropriate for his or her circumstances. (PU 20090AB__011499INT)

~~This bill would, beginning in the 2011–12 fiscal year require that specified 25% of moneys appropriated for the supervision of juveniles under the jurisdiction of the juvenile court system and for programs designed to deter juvenile crime and violence or to reduce recidivism are to be allocated to evidence-based programs, as defined. This bill would increase the allocations to 50% for the 2012–13 fiscal year, and to 75% for the 2013–14 fiscal year and each of the following fiscal years. This bill would, beginning in the 2012–13 fiscal year, require the Secretary of the Department of Corrections and Rehabilitation to prepare a report for the Legislature evaluating the effectiveness of evidence-based program in the supervision of juveniles under the jurisdiction of the juvenile court system and in programs designed to deter juvenile crime and violence or to reduce recidivism.~~

Vote: 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. *This act shall be known and may be cited as the*
2 *California Community Juvenile Probation Performance Incentives*
3 *Act of 2010.*

4 SEC. 2. *Article 4.5 (commencing with Section 1779) is added*
5 *to Chapter 1 of Division 2.5 of the Welfare and Institutions Code,*
6 *to read:*

7
8 Article 4.5. *California Community Juvenile Probation*
9 *Performance Incentives*

10
11 1779. *As used in this article, the following definitions apply:*

12 (a) *“Community corrections” means the placement of persons*
13 *under probation supervision, with conditions imposed by a court*
14 *for a specified period.*

15 (b) *“Chief probation officer” means the chief probation officer*
16 *for the county or city and county in which a juvenile offender is*
17 *subject to probation.*

1 (c) “Juvenile program” means a program established pursuant
2 to this act consisting of a system of probation supervision services
3 dedicated to all of the following goals:

4 (1) Enhancing public safety through the management and
5 reduction of juvenile offender risk while under probation
6 supervision and upon reentry into the community.

7 (2) Providing a range of probation supervision tools, sanctions,
8 and services applied to probationers based on a risk/needs
9 assessment for the purpose of promoting behavioral change that
10 results in reducing recidivism and promoting the successful
11 reintegration of juvenile offenders into the community.

12 (3) Maximizing offender restitution, reconciliation, and
13 restorative services to victims of crime committed by juvenile
14 offenders.

15 (4) Holding juvenile offenders accountable for their behaviors
16 and for successful compliance with applicable court orders and
17 conditions of supervision.

18 (5) Improving public safety outcomes for juvenile offenders
19 placed on probation for an offense, as measured by their successful
20 completion of probation and commensurate reduction in the rate
21 of recidivism by juvenile probationers.

22 (d) “Evidence-based practices” refers to supervision policies,
23 procedures, programs, and practices demonstrated by scientific
24 research to reduce recidivism among juveniles under probation.

25 1779.1. (a) Each county is hereby authorized to establish in
26 each county treasury a Community Juvenile Probation
27 Performance Incentives Fund (CJPPIF), to receive all amounts
28 allocated to that county for purposes of implementing this article.

29 (b) In any fiscal year for which a county receives moneys to be
30 expended for the implementation of this article, the moneys,
31 including any interest, shall be made available to the chief
32 probation officer of that county, within 30 days of the deposit of
33 those moneys into the fund, for the implementation of the
34 community corrections program authorized by this article.

35 (1) The community juvenile probation program shall be
36 developed and implemented by the chief probation officer and
37 advised by the local Juvenile Justice Coordinating Council and a
38 representative of families of currently incarcerated youth or
39 recently incarcerated youth who are on probation.

1 (2) Funds allocated to probation pursuant to this act shall be
2 used to provide supervision and rehabilitative services for juvenile
3 offenders subject to probation, and shall be spent on
4 evidence-based practices and programs, as defined in subdivision
5 (c) of Section 1779, which may include, but are not limited to, the
6 following:

7 (A) Implementing and expanding evidence-based risk and needs
8 assessments.

9 (B) Implementing and expanding intermediate sanctions.

10 (C) Providing more intensive probation supervision.

11 (D) Expanding the availability of juvenile rehabilitation
12 programs, including, but not limited to, drug and alcohol treatment,
13 mental health treatment, anger management, cognitive behavior
14 programs, and job training and employment services.

15 (E) Evaluating the effectiveness of rehabilitation and supervision
16 programs and ensuring program fidelity.

17 (3) Each probation department receiving funds under this article
18 shall maintain a complete and accurate accounting of all funds
19 received pursuant to this article.

20 1779.2. The moneys appropriated pursuant to this article shall
21 be used to supplement, not supplant, any other state or county
22 appropriation for the chief probation officer or the probation
23 department.

24 1779.3. This article shall remain in effect only until January
25 1, 2015, and as of that date is repealed, unless a later enacted
26 statute, that is enacted before January 1, 2015, deletes or extends
27 that date.

28 SEC. 3. The Judicial Council shall consider the adoption of
29 appropriate modifications to the Criminal Rules of Court, and of
30 other judicial branch policies, procedures, and programs, affecting
31 felony probation services that would support implementation of
32 the evidence-based probation supervision practices described in
33 this article.

34 SECTION 1. Chapter 4 (commencing with Section 2200) is
35 added to Division 2.5 of the Welfare and Institutions Code, to read:

1 ~~2202. (a) For the 2011–12 fiscal year, at least 25 percent of~~
2 ~~the state moneys appropriated for the supervision of juveniles~~
3 ~~under the jurisdiction of the juvenile court system and for programs~~
4 ~~designed to deter juvenile crime and violence or to reduce~~
5 ~~recidivism shall be allocated to evidence-based programs.~~

6 ~~(b) For the 2012–13 fiscal year, at least 50 percent of the state~~
7 ~~moneys appropriated for the supervision of juveniles under the~~
8 ~~jurisdiction of the juvenile court system and for programs designed~~
9 ~~to deter juvenile crime and violence or to reduce recidivism shall~~
10 ~~be allocated to evidence-based programs.~~

11 ~~(c) For the 2013–14 fiscal year and in each following fiscal~~
12 ~~year, at least 75 percent of the state moneys appropriated for the~~
13 ~~supervision of juveniles under the jurisdiction of the juvenile court~~
14 ~~system and for programs designed to deter juvenile crime and~~
15 ~~violence or to reduce recidivism shall be allocated to~~
16 ~~evidence-based programs.~~

17 ~~2203. (a) Beginning in the 2012–13 fiscal year, and for each~~
18 ~~following fiscal year, the Secretary of the Department of~~
19 ~~Corrections and Rehabilitation shall prepare a report for the~~
20 ~~Legislature evaluating the effectiveness of the use of~~
21 ~~evidence-based programs in the supervision of juveniles under the~~
22 ~~jurisdiction of the juvenile court system and in programs designed~~
23 ~~to deter juvenile crime and violence or to reduce recidivism.~~

24 ~~(b) The reports shall include all of the following:~~

25 ~~(1) An assessment of each program that the agency spent moneys~~
26 ~~on in the previous fiscal year, including programs that are not~~
27 ~~evidence based.~~

28 ~~(2) The percentage of state appropriated moneys for programs~~
29 ~~that each agency spent on evidence-based programs in the previous~~
30 ~~fiscal year.~~

31 ~~(3) The percentage of moneys received by the agency for~~
32 ~~programs other than state appropriated moneys that were spent on~~
33 ~~evidence-based programs in the previous fiscal year.~~

34 ~~(4) A description of the efforts each agency is making to meet~~
35 ~~the requirements of this section.~~

36 ~~(c) The report shall be submitted to the Legislature on or before~~
37 ~~November 1 of each year, following the end of the prior fiscal~~
38 ~~year.~~

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