

SB 94 (Committee on Budget and Fiscal Review) Public Safety: omnibus (Ch. 25, Statutes of 2019) – Provisions Concerning the Department of Youth and Community Restoration

Government Code sections:

Article 1. Department of Youth and Community Restoration

12820.

(a) It is the intent of the Legislature to remove the Division of Juvenile Justice and the Board of Juvenile Hearings from the Department of Corrections and Rehabilitation and reestablish them as the Department of Youth and Community Restoration under the California Health and Human Services Agency. Commencing July 1, 2019, the Division of Juvenile Justice, in coordination with the California Health and Human Services Agency and the Department of Corrections and Rehabilitation, shall initiate the transfer process, with the transfer completed by July 1, 2020.

(b) Prior to January 1, 2020, the Division of Juvenile Justice shall enter into memoranda of understanding with the California Health and Human Services Agency, its departments and offices, the California Conservation Corps, the California Volunteers, the Department of Corrections and Rehabilitation, the Department of Forestry and Fire Protection, the Office of the Inspector General, and any other state agency, department, or office necessary for the initiation or continuation of services with the Department of Youth and Community Restoration to support continuous operations, conduct training institutes, provide for independent oversight of the Department of Youth and Community Restoration, provide ombudsperson services, effectuate California law, protect public safety, and enhance the delivery of rehabilitative, educational, and mental health services for youth under its care, as well as services for their victims and families.

12821.

(a) Commencing on July 1, 2020, the Department of Youth and Community Restoration succeeds to, and is vested with, all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of the Division of Juvenile Justice, which shall no longer exist after that date. For purposes of this article, the Division of Juvenile Justice is referred to as the “predecessor entity.”

(b) Unless the context clearly requires otherwise, any reference to the Division of Juvenile Facilities, Division of Juvenile Justice, or Department of the Youth Authority in any statute, regulation, or contract, or in any other code, with respect to any of the functions transferred to the department pursuant to this section, is a reference to the Department of Youth and Community Restoration.

12822.

Commencing on July 1, 2020, the Board of Juvenile Hearings is continued in existence within the Department of Youth and Community Restoration and retains existing functions, powers, responsibilities, and jurisdiction, except as expressly provided otherwise. For purposes of this article, the Board of Juvenile Hearings is referred to as a “continuing entity.”

12823.

(a) The Department of Youth and Community Restoration is under the control of the Director of the Department of Youth and Community Restoration. The Governor shall appoint the director and a chief deputy director, and these appointees shall hold office at the pleasure of the Governor. The appointment of the director is subject to confirmation by the Senate.

(b) Except as otherwise provided by this article or any other law, the department and the director have all of the duties, powers, and responsibilities applicable to state departments and heads of departments under Chapter 2 (commencing with Section 11150) of Part 1.

(c) The director shall be solely responsible for selecting persons for career executive assignment positions and other noncivil service managers for the department.

(d) Without limiting any other powers or duties, the director shall ensure compliance with the terms of any state plans, memoranda of understanding, administrative orders, interagency agreements, assurances, single state agency obligations, federal statutes and regulations, and any other form of agreement or obligation that vital government activities rely upon or are a condition to the continued receipt by the department of state or federal funds or services. This includes, but is not limited to, the

SB 94 (Committee on Budget and Fiscal Review) Public Safety: omnibus (Ch. 25, Statutes of 2019) – Provisions Concerning the Department of Youth and Community Restoration

designation, appointment, and provision of individuals, groups, and resources to fulfill specific obligations of any entity that is abolished pursuant to Section 12821.

12824.

On or before October 1, 2019, the Secretary of California Health and Human Services shall convene a committee of the California Child Welfare Council to provide input and recommendations related to the Department of Youth and Community Restoration's policies and programs that promote a commitment to improving youth outcomes, reducing youth detention, and reducing recidivism. The committee shall be comprised of individuals, including, but not limited to, those with experience in trauma-responsive and therapeutic care of youth, youth justice advocates, youth and family members who have had direct experience with the juvenile justice system, and county probation department representatives. The Department of Youth and Community Restoration shall report as part of the budget process regarding the committee's input and recommendations until 2025.

12825.

All regulations adopted by the predecessor entity, continuing entity, and any of their predecessors are expressly continued in force. Any statute, law, rule, or regulation in force on the effective date of this article, or that may hereafter be enacted or adopted with reference to the predecessor entities and any of their predecessors, shall mean the Department of Youth and Community Restoration. Any action concerning these duties, responsibilities, obligations, liabilities, and functions shall not abate but shall continue in the name of the Department of Youth and Community Restoration, and the department shall be substituted for the predecessor entities and continuing entities by the court in which the action is pending. The substitution does not affect the rights of the parties to the action.

12826.

A contract, lease, license, state or federal grant, memorandum of understanding, or any other agreement to which the predecessor entity, continuing entity, and any of their predecessors are a party is not void or voidable by reason of the act that added this section, but are continued in full force and effect, with the Department of Youth and Community Restoration assuming all of the rights, obligations, and duties of the predecessor entities. The assumption by the department does not in any way affect the rights of the parties to the contract, lease, license, state or federal grant, memorandum of understanding, or agreement.

12827.

On and after July 1, 2020, the balance of all money available for expenditure by the predecessor entity, continuing entity, and any of their predecessors in carrying out any functions transferred to the Department of Youth and Community Restoration by the act that added this section is available for the support and maintenance of the department. All books, documents, records, and property of the predecessor entity shall be transferred to the department.

12828.

On and after July 1, 2020, positions filled by appointment by the Governor in the predecessor entity or continuing entity shall be transferred to the Department of Youth and Community Restoration. Individuals in positions transferred pursuant to this section who have been previously confirmed by the Senate shall not be required to undergo a new confirmation as a result of this transfer. Individuals in positions transferred pursuant to this section shall serve at the pleasure of the Governor, unless as otherwise expressly stated. Titles of positions transferred pursuant to this section shall be determined by the Director of the Department of Youth and Community Restoration with the approval of the Governor. Salaries of positions transferred shall remain at the level established pursuant to law on June 30, 2020.

12829.

(a) Any officer or employee of the predecessor entity who is serving in the state civil service, including an excluded employee or temporary employee, shall be transferred to the Department of Youth and Community Restoration pursuant to the provisions of Section 19050.9.

SB 94 (Committee on Budget and Fiscal Review) Public Safety: omnibus (Ch. 25, Statutes of 2019) – Provisions Concerning the Department of Youth and Community Restoration

(b) Any officer or employee of the continuing entity who is serving in the state civil service, including an excluded employee or temporary employee, shall continue that status with the continuing entity pursuant to the provisions of Section 19050.9.

(c) The status, position, and rights of any officer or employee of the predecessor or continuing entities shall not be affected by the transfer and shall be retained by the person as an officer or employee of the Department of Youth and Community Restoration, as the case may be, pursuant to the State Civil Service Act (Part 2 (commencing with Section 18500) of Division 5), except as to a position that is exempt from civil service. The personnel records of all transferred employees shall be transferred to the department.

12830.

The establishment of the Department of Youth and Community Restoration within the California Health and Human Services Agency does not diminish, abrogate, or adversely affect the availability of rehabilitative services, employment, or workforce development opportunities for individuals subject to the jurisdiction of the predecessor entity in existence on June 30, 2019, and provided, in whole or in part, by or through any of the following:

(a) The Prison Industry Authority, pursuant to Article 1 (commencing with Section 2800) of Chapter 6 of Title 1 of Part 3 of the Penal Code.

(b) The Department of Forestry and Fire Protection and forestry camps, pursuant to Article 5 (commencing with Section 2780) of Chapter 5 of Title 1 of Part 3 of the Penal Code.

(c) Joint venture programs, pursuant to Article 1.5 (commencing with Section 2717.1) of Chapter 5 of Title 1 of Part 3 of the Penal Code.

12831.

(a) Commencing on July 1, 2020, the Department of Youth and Community Restoration and the Prison Industry Authority may enter into agreements for the creation and maintenance of work programs, rehabilitative services, and workforce development opportunities for the benefit of individuals subject to the jurisdiction of the department and consistent with the purposes set forth in Section 2801 of the Penal Code. Pursuant to Section 12825, rehabilitative programs and services in existence on June 30, 2019, that are provided by the Prison Industry Authority to the predecessor entity are expressly continued with the department. An agreement to which the predecessor entity and the Prison Industry Authority are a party is not void or voidable by reason of the act that added this section, but is continued in full force and effect, with the department assuming all of the rights, obligations, and duties of the predecessor entity. This assumption by the department does not affect the rights of the parties to the contract, lease, license, or agreement.

(b) If any of the shops or buildings in which individuals subject to the jurisdiction of the Department of Youth and Community Restoration are employed require rebuilding or repair for any reason, they may be rebuilt or repaired immediately, under the direction of the Prison Industry Authority.

12832.

Commencing on July 1, 2020, the Department of Youth and Community Restoration and the Department of Forestry and Fire Prevention may enter into agreements for the creation and maintenance of work programs, rehabilitative services, and workforce development opportunities for the benefit of individuals subject to the jurisdiction of the department. Pursuant to Section 12825, rehabilitative programs and services in existence on June 30, 2019, that are provided in whole or in part through the Department of Forestry and Fire Protection to the predecessor entity are expressly continued with the Department of Youth and Community Restoration. An agreement to which the predecessor entity and the Department of Forestry and Fire Prevention are a party is not void or voidable by reason of the act that added this section, but is continued in full force and effect, with the Department of Youth and Community Restoration assuming all of the rights, obligations, and duties of the predecessor entity. This assumption by the department does not affect the rights of the parties to the contract, lease, license, or agreement.

SB 94 (Committee on Budget and Fiscal Review) Public Safety: omnibus (Ch. 25, Statutes of 2019) – Provisions Concerning the Department of Youth and Community Restoration

12833.

(a) The Department of Youth and Community Restoration may adopt regulations as necessary or appropriate to carry out the purposes of this article.

(b) Chapter 3.5 (commencing with Section 11340) of Part 1 does not apply to any standard, criterion, procedure, determination, rule, notice, or guideline established or issued by the department.

(c) Until January 1, 2021, the adoption and readoption of emergency regulations to carry out the department's duties, powers, and responsibilities as needed for institutional safety and security, the health and welfare of those subject to the jurisdiction of the Department of Youth and Community Restoration, or to effectuate the purpose of Section 12820, shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare for purposes of Sections 11346.1 and 11349.6, and the department is hereby exempted from the requirement that it describe facts showing the need for immediate action and from review of the emergency regulations by the Office of Administrative Law.

(d) Emergency adoption, amendment, or repeal of a regulation by the director shall be conducted pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1, except with respect to the following:

(1) Notwithstanding subdivision (e) of Section 11346.1, the initial effective period for an emergency adoption, amendment, or repeal of a regulation shall be 160 days.

(2) Notwithstanding subdivision (b) of Section 11346.1, a showing of emergency is not necessary in order to adopt, amend, or repeal an emergency regulation if the director instead certifies, in a written statement filed with the Office of Administrative Law, that operational needs of the department require adoption, amendment, or repeal of the regulation on an emergency basis. The written statement shall include a description of the underlying facts and an explanation of the operational need to use the emergency rulemaking procedure. This paragraph provides an alternative to filing a statement of emergency pursuant to subdivision (b) of Section 11346.1. It does not preclude filing a statement of emergency. This paragraph only applies to the initial adoption and one readoption of an emergency regulation.

(3) Notwithstanding subdivision (b) of Section 11349.6, the adoption, amendment, or repeal of a regulation pursuant to paragraph (2) shall be reviewed by the Office of Administrative Law within 20 calendar days after its submission. In conducting its review, the Office of Administrative Law shall accept and consider public comments for the first 10 calendar days of the review period. Copies of any comments received by the Office of Administrative Law shall be provided to the department.

(4) Regulations adopted pursuant to paragraph (2) are not subject to the requirements of paragraph (2) of subdivision (a) of Section 11346.1.

(e) It is the intent of the Legislature, in authorizing the deviations in this section from the requirements and procedures of Chapter 3.5 (commencing with Section 11340) of Part 1, to authorize the department to expedite the exercise of its power to implement regulations as its unique operational circumstances require.

12834.

(a) For the purposes of this section, "pilot program" means a program implemented on a temporary and limited basis in order to test and evaluate the effectiveness of the program, develop new techniques, or gather information.

(b) The adoption, amendment, or repeal of a regulation by the director to implement a legislatively mandated or authorized pilot program or a departmentally authorized pilot program is exempt from Chapter 3.5 (commencing with Section 11340) of Part 1, if the following conditions are met:

(1) The director certifies in writing that the regulations apply to a pilot program that qualifies for exemption under this section. The certification shall include a description of the pilot program and of the methods the department will use to evaluate the results of the pilot program.

SB 94 (Committee on Budget and Fiscal Review) Public Safety: omnibus (Ch. 25, Statutes of 2019) – Provisions Concerning the Department of Youth and Community Restoration

(2) The certification and regulations are filed with the Office of Administrative Law and the regulations are made available to the public by publication pursuant to subparagraph (F) of paragraph (3) of subdivision (b) of Section 6 of Title 1 of the California Code of Regulations.

(3) An estimate of fiscal impact is completed pursuant to Sections 6615 and 6616 of the State Administrative Manual.

(c) The adoption, amendment, or repeal of a regulation pursuant to this section becomes effective immediately upon filing with the Secretary of State.

(d) A regulation adopted pursuant to this section is repealed by operation of law, and the amendment or repeal of a regulation pursuant to this section is reversed by operation of law, two years after the commencement of the pilot program being implemented, unless the adoption, amendment, or repeal of the regulation is promulgated by the director pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1. For the purpose of this subdivision, a pilot program commences on the date the first regulatory change implementing the program is filed with the Secretary of State.

12835.

Individuals convicted and sentenced by a superior court who are housed at the Department of Youth and Community Restoration pursuant to subdivision (c) of Section 1731.5 or Section 1731.7 of the Welfare and Institutions Code continue to be eligible for parole consideration and the award of credits pursuant to Section 32 of Article I of the California Constitution and shall continue to have the rights and privileges to parole consideration and credit earning pursuant to Sections 2449.1 to 2449.7, inclusive, Sections 3043 to 3043.6, inclusive, and Sections 3490 to 3493, inclusive, of Title 15 of the California Code of Regulations, as may be amended. The Board of Parole Hearings is entitled to access of all records necessary to determine whether a nonviolent offender housed within the Department of Youth and Community Restoration will be released. The department may adopt regulations in furtherance of the administration of this section.

12836.

(a) The Legislature finds and declares that sound applicant selection and training are essential to public safety, rehabilitation, and carrying out the mission and purpose of the Department of Youth and Community Restoration. It is through sound screening criteria and an effective training curriculum that are evidence-based and reflective of national best practices that the department will fulfill its rehabilitative mission, support staff's ability to demonstrate knowledge of positive youth development, and provide for safe operations consistent with the mission and purpose of the Department of Youth and Community Restoration.

(b) All staff employed at the Department of Youth and Community Restoration are responsible for supporting and fulfilling the mission and strategies specified in Section 1710 of the Welfare and Institutions Code.

(c) Employees of the Department of Youth and Community Restoration, including peace officers at the department, shall fulfill responsibilities that require the creation and application of sound selection criteria for applicants and standards for their training prior to assuming their duties.

(d) Consistent with subdivision (e), the Department of Youth and Community Restoration shall develop and monitor standards for the training of both peace officer and nonpeace officer employees. All peace officer employees at the department shall additionally receive training developed, approved, and monitored by the Commission on Correctional Peace Officer Standards and Training consistent with Sections 13600, 13601, 13602, 13602.1, and 13603 of the Penal Code.

(e) When developing, approving, and monitoring the standards for training, the Department of Youth and Community Restoration shall include training in the areas of mental health, adolescent development, positive youth development, effects of trauma, theory and history of juvenile justice, and national best practices from knowledgeable experts in the treatment of juvenile offenders.

(f) Staff shall complete the appropriate course of training, pursuant to standards approved by the Department of Youth and Community Restoration, before they may be assigned to a post or job. Every

SB 94 (Committee on Budget and Fiscal Review) Public Safety: omnibus (Ch. 25, Statutes of 2019) – Provisions Concerning the Department of Youth and Community Restoration

newly appointed first-line or second-line supervisor in the department shall complete the course of training, pursuant to standards approved by the department for that position.

(g) Consistent with this section, the Department of Youth and Community Restoration shall operate the training center in the City of Stockton, which shall be independent of the Department of Corrections and Rehabilitation. The Department of Youth and Community Restoration may establish a training institute for peace officers employed by the Department of Youth and Community Restoration, and for the delivery of other training and instruction developed for employees pursuant to this section.

Penal Code section 830.53.

(a) A youth correctional officer employed by the Department of Youth and Community Restoration, having custody of individuals subject to its jurisdiction, a youth correctional counselor series employee of the Department of Youth and Community Restoration, an employee of the Department of Youth and Community Restoration designated by the director, an employee of the Board of Juvenile Hearings designated by the director, and any superintendent, supervisor, or employee having custodial responsibilities in an institution or camp operated by the Department of Youth and Community Restoration is a peace officer whose authority extends to any place in the state while engaged in the performance of the duties of their respective employment and for the purpose of carrying out the primary function of their employment or as required under Sections 8597, 8598, and 8617 of the Government Code.

(b) A correctional officer or correctional counselor employed by the Department of Youth and Community Restoration or an employee of the department having custody of wards may carry a firearm while not on duty. This section does not require licensure pursuant to Section 25400. The director may deny, suspend, or revoke for good cause a person's right to carry a firearm under this subdivision. That person shall, upon request, receive a hearing, as provided for in the negotiated grievance procedure between the exclusive employee representative and the Department of Youth and Community Restoration or the Board of Juvenile Hearings, to review the director's or chairperson's decision.

(c) The Department of Youth and Community Restoration shall develop and implement a policy for arming peace officers of the department who comprise "high-risk transportation details" or "high-risk escape details" no later than December 31, 2020.

(d) The Department of Youth and Community Restoration shall train and arm those peace officers who comprise tactical teams at each facility for use during "high-risk escape details."

(e) Persons permitted to carry firearms pursuant to this section, either on or off duty, shall meet the training requirements of Section 832 and shall qualify with the firearm at least quarterly. It is the responsibility of the individual officer or designee to maintain their eligibility to carry concealable firearms off duty. Failure to maintain quarterly qualifications by an officer or designee with any concealable firearms carried off duty shall constitute good cause to suspend or revoke that person's right to carry firearms off duty.

(f) The director shall promulgate regulations consistent with this section.

(g) "High-risk transportation details" and "high-risk escape details" as used in this section shall be determined by the Director of the Department of Youth and Community Restoration, or the director's designee. The director, or the director's designee, shall consider at least the protection of the public, protection of officers, flight risk, and violence potential of wards in determining "high-risk transportation details" and "high-risk escape details."

(h) "Transportation detail" as used in this section includes transportation of wards outside of the facility, including, but not limited to, court appearances, medical trips, and interfacility transfers.

(i) This section shall become operative July 1, 2020.

Welfare and Institutions Code sections:

SB 94 (Committee on Budget and Fiscal Review) Public Safety: omnibus (Ch. 25, Statutes of 2019) – Provisions Concerning the Department of Youth and Community Restoration

1710.

(a) Any reference to the Department of the Youth Authority, the Division of Juvenile Facilities, or the Division of Juvenile Justice in this or any other code refers to the Department of Youth and Community Restoration.

(b) The Legislature finds and declares the following:

(1) The purpose of the Department of Youth and Community Restoration is to protect society from the consequences of criminal activity by providing for the secure placement of youth, and to effectively and efficiently operate and manage facilities housing youthful offenders under the jurisdiction of the department, consistent with the purposes set forth in Section 1700. The purpose of the Department of Youth and Community Restoration is also to provide comprehensive education, training, treatment, and rehabilitative services to youthful offenders under the jurisdiction of the department, that are designed to promote community restoration, family ties, and victim restoration, and to produce youth who become law-abiding and productive members of society, consistent with the purposes set forth in Section 202.

(2) The Department of Youth and Community Restoration shall embrace a vision wherein the youth under its care transition successfully into adulthood, desist from criminal behavior, and become thriving and engaged members of their communities.

(3) It is the mission of the Department of Youth and Community Restoration to help youth who have hurt people, and have been hurt themselves, return safely to the community and become responsible and successful adults. The department shall employ the following strategies to support this mission:

(A) Build and practice the values of a safe and caring community within the Department of Youth and Community Restoration, engaging all members, including staff, youth, families, volunteers, and visitors in fulfilling its mission.

(B) Develop a fully prepared and continually supported staff that is healthy, educated, and trained to fulfill their unique and vital roles in service to the department's mission.

(C) Offer treatment to help youth heal from past experience and change the thinking, beliefs, and behaviors that lead to hurting themselves and others.

(D) Create opportunities for youth to understand and restore the harms caused by their actions.

(E) Provide education, training, and life experience for youth to imagine, aspire, and build a pathway to a successful life.

(F) Bring people with resources, relationships, expertise, and personal experience into the Department of Youth and Community Restoration to inspire and motivate youth, and to build a caring community that provides opportunities and support for their reentry and honorable discharge.

(c) This section shall become operative July 1, 2020.

1711.

(a) Commencing July 1, 2020, unless the context clearly requires otherwise, any reference to the Director of the Division of Juvenile Facilities, Director of the Division of Juvenile Justice, or Director of the Youth Authority, shall be deemed to refer to the Director of the Department of Youth and Community Restoration, unless otherwise expressly provided.

(b) This section shall become operative July 1, 2020.

1712.

(a) The Director of the Department of Youth and Community Restoration shall be the appointing authority for all civil service positions of employment in the department. The director may delegate the powers and duties vested in the director by law, in accordance with Section 7.

(b) The director is authorized to make and enforce all rules appropriate to the proper accomplishment of the functions of the Department of Youth and Community Restoration. The rules shall be promulgated and filed pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, except as otherwise provided in Sections 12832 and

SB 94 (Committee on Budget and Fiscal Review) Public Safety: omnibus (Ch. 25, Statutes of 2019) – Provisions Concerning the Department of Youth and Community Restoration

12833 of the Government Code. All rules and regulations shall, to the extent practical, be stated in language that is easily understood by the general public.

(c) The director shall maintain, publish, and make available to the general public, a compendium of rules and regulations promulgated by the department pursuant to this section.

(d) The following exceptions to the procedures specified in this section shall apply to the department:

(1) The department may specify an effective date that is any time more than 30 days after the rule or regulation is filed with the Secretary of State, provided that no less than 20 days prior to that effective date, copies of the rule or regulation shall be posted in conspicuous places throughout each institution and shall be mailed to all persons or organizations who request them.

(2) The department may rely upon a summary of the information compiled by a hearing officer, provided that the summary and the testimony taken regarding the proposed action shall be retained as part of the public record for at least one year after the adoption, amendment, or repeal.

(e) This section shall become operative July 1, 2020.

1714.

(a) The Director of the Department of Youth and Community Restoration may transfer persons confined in one institution, camp, or facility of the department to another. Proximity to family shall be one consideration in placement.

(b) This section shall become operative July 1, 2020.

1731.5.

(a) After certification to the Governor as provided in this article, a court may commit to the Division of Juvenile Facilities any person who meets all of the following:

(1) Is convicted of an offense described in subdivision (b) of Section 707 or subdivision (c) of Section 290.008 of the Penal Code.

(2) Is found to be less than 21 years of age at the time of apprehension.

(3) Is not sentenced to death, imprisonment for life, with or without the possibility of parole, whether or not pursuant to Section 190 of the Penal Code, imprisonment for 90 days or less, or the payment of a fine, or after having been directed to pay a fine, defaults in the payment thereof, and is subject to imprisonment for more than 90 days under the judgment.

(4) Is not granted probation, or was granted probation and that probation is revoked and terminated.

(b) The Division of Juvenile Facilities shall accept a person committed to it pursuant to this article if it believes that the person can be materially benefited by its reformatory and educational discipline, and if it has adequate facilities to provide that care.

(c) A person under 18 years of age who is not committed to the division pursuant to this section may be transferred to the division by the Secretary of the Department of Corrections and Rehabilitation with the approval of the Director of the Division of Juvenile Justice. In sentencing a person under 18 years of age, the court may order that the person be transferred to the custody of the Division of Juvenile Facilities pursuant to this subdivision. If the court makes this order and the division fails to accept custody of the person, the person shall be returned to court for resentencing. The transfer shall be solely for the purposes of housing the inmate, allowing participation in the programs available at the institution by the inmate, and allowing division parole supervision of the inmate, who, in all other aspects shall be deemed to be committed to the Department of Corrections and Rehabilitation and shall remain subject to the jurisdiction of the Secretary of the Department of Corrections and Rehabilitation and the Board of Parole Hearings. Notwithstanding subdivision (b) of Section 2900 of the Penal Code, the secretary, with the concurrence of the director, may designate a facility under the jurisdiction of the director as a place of reception for a person described in this subdivision.

The director has the same powers with respect to an inmate transferred pursuant to this subdivision as if the inmate had been committed or transferred to the Division of Juvenile Facilities either under the Arnold-Kennick Juvenile Court Law or subdivision (a).

SB 94 (Committee on Budget and Fiscal Review) Public Safety: omnibus (Ch. 25, Statutes of 2019) – Provisions Concerning the Department of Youth and Community Restoration

The duration of the transfer shall extend until any of the following occurs:

(1) The director orders the inmate returned to the Department of Corrections and Rehabilitation.

(2) The inmate is ordered discharged by the Board of Parole Hearings.

(3) The inmate reaches 18 years of age. However, if the inmate's period of incarceration would be completed on or before the inmate's 25th birthday, the director may continue to house the inmate until the period of incarceration is completed.

(d) The amendments to subdivision (c), as that subdivision reads on July 1, 2018, made by the act adding this subdivision, apply retroactively.

(e) This section shall remain in effect only until July 1, 2020, and as of that date is repealed.

1731.5.

(a) After certification to the Governor as provided in this article, a court may commit to the Department of Youth and Community Restoration any person who meets all of the following:

(1) Is convicted of an offense described in subdivision (b) of Section 707 or subdivision (c) of Section 290.008 of the Penal Code.

(2) Is found to be less than 21 years of age at the time of apprehension.

(3) Is not sentenced to death, imprisonment for life, with or without the possibility of parole, whether or not pursuant to Section 190 of the Penal Code, imprisonment for 90 days or less, or the payment of a fine, or after having been directed to pay a fine, defaults in the payment thereof, and is subject to imprisonment for more than 90 days under the judgment.

(4) Is not granted probation, or was granted probation and that probation is revoked and terminated.

(b) The Department of Youth and Community Restoration shall accept a person committed to it pursuant to this article if it believes that the person can be materially benefited by its developmentally appropriate educational, therapeutic, and rehabilitative programming, and if it has adequate facilities to provide that care.

(c) (1) A person under 18 years of age who is not committed to the Department of Youth and Community Restoration pursuant to this section may be transferred to the department by the Secretary of the Department of Corrections and Rehabilitation with the approval of the Director of the Department of Youth and Community Restoration. In sentencing a person under 18 years of age, the court may order that the person be transferred to the custody of the Department of Youth and Community Restoration pursuant to this subdivision. If the court makes this order and the department does not accept custody of the person, the person shall be returned to court for resentencing. The transfer shall be solely for the purposes of housing the inmate, allowing participation in the programs available at the institution by the inmate, and allowing supervision of the inmate, who in all other aspects shall be deemed to be committed to the Department of Corrections and Rehabilitation and shall remain subject to the jurisdiction of the Secretary of the Department of Corrections and Rehabilitation and the Board of Parole Hearings. Notwithstanding subdivision (b) of Section 2900 of the Penal Code, the secretary, with the concurrence of the director, may designate a facility under the jurisdiction of the director as a place of reception for a person described in this subdivision.

(2) The director has the same powers with respect to an inmate transferred pursuant to this subdivision as if the inmate had been committed or transferred to the Department of Youth and Community Restoration either under the Arnold-Kennick Juvenile Court Law or subdivision (a).

(3) The duration of the transfer shall extend until any of the following occurs:

(A) The director orders the inmate returned to the Department of Corrections and Rehabilitation.

(B) The inmate is ordered discharged by the Board of Parole Hearings.

(C) The inmate reaches 18 years of age. However, if the inmate's period of incarceration would be completed on or before the inmate's 25th birthday, the director may continue to house the inmate until the period of incarceration is completed.

SB 94 (Committee on Budget and Fiscal Review) Public Safety: omnibus (Ch. 25, Statutes of 2019) – Provisions Concerning the Department of Youth and Community Restoration

(d) The amendments to subdivision (c) of former Section 1731.5 made by Chapter 36 of the Statutes of 2018, as that subdivision read on July 1, 2018, are continued in this section and apply retroactively.

(e) This section shall become operative July 1, 2020.

1731.7.

(a) The Department of Corrections and Rehabilitation, Division of Juvenile Justice shall establish and operate a seven-year pilot program for transition-aged youth. Commencing on or after January 1, 2019, the program shall divert a limited number of transition-aged youth from adult prison to a juvenile facility in order to provide developmentally appropriate, rehabilitative programming designed for transition-aged youth with the goal of improving their outcomes and reducing recidivism.

(b) The department may develop criteria for placement in this program, initially targeting youth sentenced by a superior court who committed an offense described in subdivision (b) of Section 707 prior to 18 years of age. Youth with a period of incarceration that cannot be completed on or before their 25th birthday are ineligible for placement in the transition-aged youth program. The department may consider the availability of program credit earning opportunities that lower the total length of time a youth serves in determining eligibility.

(c) Notwithstanding any other law, following sentencing, an individual who is 18 years of age or older at the time of sentencing and who has been convicted of an offense described in subdivision (b) of Section 707 that occurred prior to 18 years of age shall remain in local detention pending a determination of acceptance or rejection by the Division of Juvenile Justice. The Division of Juvenile Justice shall notify the local detention authority upon determination of acceptance or rejection of an individual pursuant to this subdivision.

(d) An eligible person may be transferred to the Division of Juvenile Justice by the Secretary of the Department of Corrections and Rehabilitation with the approval of the Director of the Division of Juvenile Justice. Notwithstanding subdivision (b) of Section 2900 of the Penal Code, the secretary, with the concurrence of the director, may designate a facility under the jurisdiction of the Division of Juvenile Justice as a place of reception for a person described in this section.

(e) The duration of the transfer shall extend until either of the following occurs:

(1) The director orders the youth returned to the Department of Corrections and Rehabilitation.

(2) The youth's period of incarceration is completed.

(f) The Division of Juvenile Justice shall produce and submit a report to the Legislature on January 1, 2020, and each January 1 thereafter, to assess the program. At a minimum, the report shall include all of the following:

(1) Criteria used to determine placement in the program.

(2) Guidelines for satisfactory completion of the program.

(3) Demographic data of eligible and selected participants, including, but not limited to, county of conviction, race, gender, sexual orientation, and gender identity and expression.

(4) Disciplinary infractions incurred by participants.

(5) Good conduct, milestone completion, rehabilitative achievement, and educational merit credits earned in custody.

(6) Quantitative and qualitative measures of progress in programming.

(7) Rates of attrition of program participants.

(g) The Division of Juvenile Justice shall contract with one or more independent universities or outside research organizations to evaluate the effects of participation in the program established by this section. This evaluation shall include, at a minimum, an evaluation of cost-effectiveness, recidivism data, consistency with evidence-based principles, and program fidelity. If sufficient data is available, the evaluation may also compare participant outcomes with a like group of similarly situated transition aged youth retained in the counties or incarcerated in adult institutions.

(h) The Division of Juvenile Justice shall promulgate regulations to implement this section.

SB 94 (Committee on Budget and Fiscal Review) Public Safety: omnibus (Ch. 25, Statutes of 2019) – Provisions Concerning the Department of Youth and Community Restoration

(i) This section shall remain in effect only until July 1, 2020, and as of that date is repealed.

1731.7.

(a) The Department of Corrections and Rehabilitation shall establish and operate a seven-year pilot program for transition-aged youth. Commencing on or after January 1, 2019, the program shall divert a limited number of transition-aged youth from adult prison to a juvenile facility in order to provide developmentally appropriate, rehabilitative programming designed for transition-aged youth with the goal of improving their outcomes and reducing recidivism.

(b) The department may develop criteria for placement in this program, initially targeting youth sentenced by a superior court who committed an offense described in subdivision (b) of Section 707 prior to 18 years of age. Youth with a period of incarceration that cannot be completed on or before their 25th birthday are ineligible for placement in the transition-aged youth program. The department may consider the availability of program credit earning opportunities that lower the total length of time a youth serves in determining eligibility.

(c) Notwithstanding any other law, following sentencing, an individual who is 18 years of age or older at the time of sentencing and who has been convicted of an offense described in subdivision (b) of Section 707 that occurred prior to 18 years of age shall remain in local detention pending a determination of acceptance or rejection by the Department of Youth and Community Restoration. The Department of Youth and Community Restoration shall notify the local detention authority upon determination of acceptance or rejection of an individual pursuant to this subdivision.

(d) An eligible person may be transferred to the Department of Youth and Community Restoration by the Secretary of the Department of Corrections and Rehabilitation with the approval of the Director of the Department of Youth and Community Restoration. Notwithstanding subdivision (b) of Section 2900 of the Penal Code, the secretary, with the concurrence of the director, may designate a facility under the jurisdiction of the Department of Youth and Community Restoration as a place of reception for a person described in this section.

(e) The duration of the transfer shall extend until either of the following occurs:

(1) The director orders the youth returned to the Department of Corrections and Rehabilitation.

(2) The youth's period of incarceration is completed.

(f) The Department of Youth and Community Restoration shall produce and submit a report to the Legislature on January 1, 2021, and each January 1 thereafter, to assess the program. At a minimum, the report shall include all of the following:

(1) Criteria used to determine placement in the program.

(2) Guidelines for satisfactory completion of the program.

(3) Demographic data of eligible and selected participants, including, but not limited to, county of conviction, race, gender, sexual orientation, and gender identity and expression.

(4) Disciplinary infractions incurred by participants.

(5) Good conduct, milestone completion, rehabilitative achievement, and educational merit credits earned in custody.

(6) Quantitative and qualitative measures of progress in programming.

(7) Rates of attrition of program participants.

(g) The Department of Youth and Community Restoration shall contract with one or more independent universities or outside research organizations to evaluate the effects of participation in the program established by this section. This evaluation shall include, at a minimum, an evaluation of cost-effectiveness, recidivism data, consistency with evidence-based principles, and program fidelity. If sufficient data is available, the evaluation may also compare participant outcomes with a like group of similarly situated transition aged youth retained in the counties or incarcerated in adult institutions.

(h) The Department of Youth and Community Restoration shall promulgate regulations to implement this section.

SB 94 (Committee on Budget and Fiscal Review) Public Safety: omnibus (Ch. 25, Statutes of 2019) – Provisions Concerning the Department of Youth and Community Restoration

(i) This section shall become operative July 1, 2020.

(j) This section shall become inoperative on June 1, 2026, and, as of January 1, 2027, is repealed.

1752.2.

(a) The Division of Juvenile Justice, in partnership with the California Conservation Corps and participating certified local conservation corps, shall develop and establish a precorps transitional training program within the Division of Juvenile Justice. This program shall operate within a facility identified by the Division of Juvenile Justice, with partnering state and local conservation corps responsible for program content, delivery, and administration. This program shall provide participating Division of Juvenile Justice corpsmembers with a training and development program to approximate the experience of serving in a conservation corps, and include opportunities for skill building, job readiness training, community service, and conservation activities. Training shall include, but is not limited to, transferable professional skills known as “soft skills,” social emotional learning, transitional life skills, and conservation jobs skills. Division of Juvenile Justice participants who successfully complete program curriculum shall qualify for a paid full-time placement within a local community corps program, and may be considered for a placement in the California Conservation Corps. This program shall be considered for expansion to additional Division of Juvenile Justice facilities if effective at reducing recidivism among participants.

(b) The Division of Juvenile Justice and the California Conservation Corps shall enter into an interagency agreement to implement this section. The agreement shall include input from participating certified local conservation corps.

(c) This section shall remain in effect only until July 1, 2020, and as of that date is repealed.

1752.2.

(a) The Department of Youth and Community Restoration, in partnership with the California Conservation Corps and participating certified local conservation corps, shall develop and establish a precorps transitional training program within the Department of Youth and Community Restoration. This program shall operate within a facility identified by the Department of Youth and Community Restoration, with partnering state and local conservation corps responsible for program content, delivery, and administration. This program shall provide participating Department of Youth and Community Restoration corpsmembers with a training and development program to approximate the experience of serving in a conservation corps, and include opportunities for skill building, job readiness training, community service, and conservation activities. Training shall include, but is not limited to, transferable professional skills known as “soft skills,” social emotional learning, transitional life skills, and conservation jobs skills. Department of Youth and Community Restoration participants who successfully complete program curriculum shall qualify for a paid full-time placement within a local community corps program, and may be considered for a placement in the California Conservation Corps. This program shall be considered for expansion to additional Department of Youth and Community Restoration facilities if effective at reducing recidivism among participants.

(b) The Department of Youth and Community Restoration and the California Conservation Corps shall enter into an interagency agreement to implement this section. The agreement shall include input from participating certified local conservation corps.

(c) This section shall become operative July 1, 2020.