
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair

2017 - 2018 Regular

Bill No: SB 502 **Hearing Date:** April 18, 2017
Author: Portantino
Version: March 29, 2017
Urgency: No **Fiscal:** Yes
Consultant: JRD

Subject: *California Voluntary Tattoo Removal Program*

HISTORY

Source: Author

Prior Legislation: AB 1122 (Perez) Chapter 661, Stats. of 2011
AB 1956 (Portantino) Chapter 746, Stats. of 2012

Support: The National Association of Social Workers – California Chapter; California Attorneys for Criminal Justice

Opposition: None known

PURPOSE

The purpose of this legislation is to reestablish the California Voluntary Tattoo Removal Program, as specified.

Current statute requires the Division of Juvenile Justice (DJJ) to purchase, after a competitive bidding process, two medical devices that utilize a laser to remove a tattoo from a person's skin. The department shall determine, through a competitive bidding process, the placement of the two medical devices pursuant to the following guidelines:

- (1) One of the medical devices shall be located within Los Angeles County and the other shall be located within one of the following counties: Alameda, San Francisco, San Mateo, Santa Clara, and Santa Cruz.
- (2) Possible sites may include: a licensed health facility, a licensed health clinic, an educational institution, or a probation office. The department may enter into an agreement with a licensed health facility to permit the health facility to use the medical device when it is not needed for tattoo removal pursuant to this section if the health facility provides tattoo removal services pursuant to this section free of charge. (Welfare and Institutions Code (“WIC”) § 1915.)

Existing law requires that the medical devices remain the property of the state. However, they shall be used in conjunction with the tattoo removal program pursuant to this section for the functional life of the medical devices. (*Id.*)

Existing law requires that candidates for tattoo removal under this section “shall be screened by community groups working collaboratively with the operators of the sites of the tattoo removal devices. A male candidate for tattoo removal shall have a tattoo on his lower arm, hand, neck, or head. A female candidate for tattoo removal shall have a tattoo that would be visible in a professional work environment. To be eligible for participation, the presence of the tattoo must be deemed to present either a threat to the personal safety of, or an obstacle to the employability of, the candidate. Priority shall be given to candidates who have a job offer that is contingent upon removal of the tattoo. At the discretion of the organization that screens a candidate, a candidate for this tattoo removal may be required to complete 20 hours of supervised public service work in order to participate in this program. Parental consent shall be required before the tattoo of any person under 18 years of age is removed.” (*Id.*)

Existing law requires that community groups recommended pursuant to this subdivision meet the following criteria:

- (1) Serve at-risk youth, exoffenders, exconvicts, current and former gang members or victims of trafficking and prostitution.
- (2) Possess an established record of providing community-based services for at least one year, as specified. (*Id.*)

Existing law requires that community groups that participate in this program and the operators of the sites of the tattoo removal devices solicit the pro bono services of licensed health care providers to participate in the program in order to increase the number of individuals served. (*Id.*)

Existing law states that it “is the intent of the Legislature that at least 200 tattoo removals shall be performed at each tattoo removal site in its first year of operation. After two years of operation, community groups that participate in this program and the operators of each site shall report to the Department of the Youth Authority on the number of tattoo removals performed by each device and the success of the program in assisting individuals to join the work force. By March 1, 2000, the Department of the Youth Authority shall report these findings to the Legislature.” (*Id.*)

Existing law states the further intent of the Legislature to “expand these pilot programs as rapidly as possible to other areas of the state where there is gang violence and where there are active community-based gang violence prevention programs.” (*Id.*)

This bill establishes the California Voluntary Tattoo Removal Program.

This bill states that to the extent that funds are appropriated for this purpose, the Board of State and Community Corrections (BSCC) may administer the program.

This bill requires the program be designed to serve individuals between 14 and 24 years of age, who are in the custody of the Department of Corrections and Rehabilitation (CDCR) or county probation departments, who are on parole or probation who are in a community-based organization serving at-risk-youth, or who are placed in foster care as either children adjudged dependents of the juvenile court or nonminor dependents, as specified.

This bill requires the board to award grants in a competitive manner and on a geographically diverse basis, serving both northern and southern California.

This bill allows DJJ, county probation departments, community-based organizations, county child welfare agencies, and relevant service providers to apply for the grants authorized by this section.

This bill requires that funds appropriated for purposes of this section be limited to federal funds.

This bill requires tattoo removals to be performed by licensed clinicians who, to the extent feasible, provide their services at a discounted rate, or free of charge.

This bill requires grantees to serve individuals who have gang-related tattoos or tattoos received for identification in trafficking and prostitution that are visible in a professional environment and who are recommended for the program by CDCR representatives, parole agents, county probation officers, community-based organizations, service providers, or county child welfare agencies.

This bill states that individuals who have gang-related tattoos or tattoos received for identification in trafficking and prostitution that may be considered unprofessional and are visible in a professional work environment, who meet the criteria below, and who meet any of the following criteria may be eligible for participation in the program:

- Are actively pursuing secondary or postsecondary education.
- Are seeking employment or participating in workforce training programs.
- Are scheduled for an upcoming job interview or job placement.
- Are participating in a community or public service activity.

This bill requires that use of funding by grantees be limited to the following:

- The removal of gang-related tattoos or tattoos received for identification in trafficking and prostitution.
- Maintenance or repair of tattoo removal medical devices.
- Contracting with licensed private providers to offer the tattoo removal service.

This bill states that grantees may also seek additional federal or private funding to execute the provisions of this section, and use those funds to supplement funding received through the program.

This bill specified that its provisions will in effect only until January 1, 2026, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2026, deletes or extends that date.

COMMENTS

1. Need for This Legislation

According to the author:

AB 1122 established the California Voluntary Tattoo Removal Program in 2011. California Voluntary Tattoo Removal Program, repealed in January 2017, provided free and voluntary tattoo removal services for young offenders (between the ages of 14 and 24) in the custody, on parole, probation, or in a community-based organization serving at-risk youth.

Through the program, young offenders who had gang related tattoos that are visible in a professional environment could voluntarily have their tattoos removed free of charge.

In 2012, the Legislature passed AB 1956 (Portantino), which expanded the California Voluntary Tattoo Removal Program to serve individuals, between 14 and 24 years of age, who were tattooed for identification in human trafficking or prostitution.

California Voluntary Tattoo Removal Program provided an opportunity for young offenders and victims of trafficking who are on the path to recovery to erase the marks of the past and enter the workforce.

Gang-related or prostitution-related tattoos leave deep negative impacts on young offenders and victims of trafficking who are on the path of mental and professional redemption.

The physical and psychological abuse these individuals suffer should not be a lifelong reminder for these people. Assisting these young people with tattoo removal will help them gain employment and break the psychological effects of the tattoo.

SB 502 would reestablish the California Voluntary Tattoo Removal Program until January 1, 2026.

2. Tattoo Removal at CDCR

Under existing law, DJJ is required to have two tattoo removal devices. According to information provided by CDCR:

DJJ has two medical devices that utilize a laser to remove tattoos from skin. One is located at Northern California Youth Correctional Center; the other is located at Ventura Youth Correctional Facility. Each site averages about 8 hours a month of tattoo removal services. An exact number of individuals treated is not known. There are 46 youth currently undergoing tattoo removal at the NCYCC facility.

CDCR, additionally, provided information relating to individuals paroling from CDCR:

Division of Adult Parole Operations (DAPO) coordinates Parole and Community Teach (PACT) meetings that newly released offenders and parolees attend. Tattoo removal services are identified in handouts that are provided to these individuals at the PACT meetings. Most of the tattoo removal programs are run by private organizations and/or county programs. The number of individuals utilizing the program is unknown.

3. Effect of this Legislation

AB 1122 (Perez, of 2011) established the California Voluntary Tattoo Removal Program, administered by CalEMA. The tattoo removal program was a one-time pilot program funded with the 2011 Byrne/JAG Award. Beginning in 2012, the Byrne/JAG Awards were to be administered by BSCC. (SB 92 (Budget and Fiscal Review Committee, of 2011).) According to information provided by the BSCC, the BSCC was never funded to administer the California Voluntary Tattoo Removal Program. Given this, the program seemingly disappeared prior to the law sunseting in January of this year.

The legislation would reestablish the California Voluntary Tattoo Removal Program. As discussed above, this program was designed to provide free and voluntary tattoo removal services for young offenders (between the ages of 14 and 24) in the custody, on parole, probation, or in a community-based organization serving at-risk youth. The National Association of Social Workers – California Chapter, explains the importance of this legislation:

Certain tattoos, such as gang-related or prostitution-related, leave deep negative impacts on young offenders and victims of trafficking who are on the path of mental and professional redemption. . .

The physical and psychological abuse these individuals suffer should not be a lifelong reminder for these people. Assisting these young people with tattoo removal will help them gain employment and break the psychological effects of the tattoo.

-- END --