
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: AB 1376 **Hearing Date:** June 24, 2025
Author: Bonta
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Urgency: No **Fiscal:** No
Consultant: SJ

Subject: *Wards: probation*

HISTORY

Source: Alliance for Boys and Men of Color
California Alliance for Youth and Community Justice
Communities United for Restorative Youth Justice
Fresh Lifelines for Youth
National Center for Youth Law
Sister Warriors Freedom Coalition
The W. Haywood Burns Institute
Western Center on Law & Poverty

Prior Legislation: AB 503 (Stone), vetoed, 2022
SB 92 (Com. on Budget & Fiscal Review), Ch. 18, Stats. of 2021
SB 823 (Com. on Budget & Fiscal Review), Ch. 337, Stats. of 2020
SB 1134 (Beall), didn't move in 2020 due to COVID-19
SB 81 (Com. on Budget & Fiscal Review), Ch. 175, Stats. of 2007

Support: ACLU California Action; All of Us or None; Asian Americans Advancing Justice Southern California; Back to the Start; Black Women for Wellness Action Project; California Attorneys for Criminal Justice; California Coalition for Youth California Court Appointed Special Advocate Association; California League of United Latin American Citizens; California Public Defenders Association; California Youth Defender Center; Californians for Safety and Justice; Californians United for a Responsible Budget; Center for Employment Opportunities; Children Now; Children's Defense Fund-California; Coalition for Humane Immigrant Rights; Community Works; Courage California; Debt Free Justice California; Drug Policy Alliance; East Bay Community Law Center; Ella Baker Center for Human Rights; Empowering Women Impacted by Incarceration; Fair Chance Project; Grace Institute-End Child Poverty in CA; Human Rights Watch; Indigenous Justice; Initiate Justice; Initiate Justice Action; Justice2Jobs Coalition; Khmer Girls in Action; LA County Public Defenders Union, Local 148; La Defensa; League of Women Voters of California; Legal Services for Prisoner With Children; Mid-City Community Advocacy Network; MILPA Collective; National Institute for Criminal Justice Reform; Peace and Justice Law Center; Pillars of the Community; Rubicon Programs; San Francisco Public Defender; Secure Justice; Silicon Valley De-Bug; Smart Justice California; Starting Over; Starting Over Strong; Urban Peace Institute; Vera Institute of Justice; Youth Alliance; Youth Law Center

Opposition: California District Attorneys Association; California Police Chiefs Association; Chief Probation Officers' of California; Peace Officers Research Association of California; Riverside County District Attorney; Riverside Sheriffs' Association; Sacramento County Probation Association; San Joaquin County Probation Officers Association; San Mateo County Probation Detention Association; State Coalition of Probation Organizations; Ventura County Professional Peace Officers Association

Assembly Floor Vote:

49 - 18

PURPOSE

The purposes of this bill are to limit the period of time in which a court may place a ward of the court on probation to nine months, except that a court may extend probation in six month increments upon proof by a preponderance of the evidence that it is in the best interest of the ward and the public; and to require that juvenile probation conditions are individually tailored, developmentally appropriate, and reasonable, as well as proportional to the legitimate interests served by the conditions.

Existing law states that the purpose of the juvenile court law is to provide for the protection and safety of the public and each minor under the jurisdiction of the juvenile court and to preserve and strengthen the minor's family ties whenever possible, removing the minor from the custody of the minor's parents only when necessary for the minor's welfare or for the safety and protection of the public. Requires the juvenile court and other public agencies charged with enforcing, interpreting, and administering the juvenile court law to consider the safety and protection of the public, the importance of redressing injuries to victims, and the best interests of the minor in all deliberations. (Welf. & Inst. Code, § 202, subds. (a) & (d).)

Existing law provides that a minor between 12 and 17 years of age, inclusive, who violates any law defining a crime, and a minor under 12 years of age who is alleged to have committed murder or a specified sex offense, is within the jurisdiction of the juvenile court, which may adjudge the minor to be a ward of the court. (Welf. & Inst. Code, § 602.)

Existing law provides that the juvenile court may retain jurisdiction over a ward until the person attains 21 years of age, except that if the wardship is based on the commission of a specified serious offense, the juvenile court may retain jurisdiction until age 23, unless the ward would have faced an aggregate sentence of seven years or more in criminal court, in which case the juvenile court may retain jurisdiction until age 25. (Welf. & Inst. Code, § 607, subds. (a)-(c).)

Existing law authorizes the juvenile court to place a ward of the court on supervised probation. Authorizes the court to make any reasonable orders for the care, supervision, custody, conduct, maintenance, and support of the ward. (Welf. & Inst. Code, § 727.)

Existing law authorizes the court, when a minor is adjudged a ward of the court, to order treatment, to commit the minor to a juvenile home, ranch, camp, forestry camp, or juvenile hall, and to make other orders, including ordering the ward to make restitution, pay a fine of up to \$250, or to participate in uncompensated work programs. (Welf. & Inst. Code, § 730, subd. (a).)

Existing law provides that when a ward is placed under the supervision of the probation officer or committed to the care, custody, and control of the officer, the court may make any and all reasonable orders for the conduct of the ward, and impose and require any and all reasonable conditions that it may determine fitting and proper to the end that justice may be done and the reformation and rehabilitation of the ward enhanced. (Welf. & Inst. Code, § 730, subd (b).)

Existing law provides that if a minor is found to be a ward of the juvenile court due to the commission of a battery on school property, the court is required to order the minor to make restitution to the victim as a condition of probation. Requires the court to require the minor to perform specified community service if restitution is found to be inappropriate, except as provided. (Welf. & Inst. Code, § 729.)

Existing law provides that if a minor is found to be a ward of the juvenile court due to the commission of a crime on a public transit vehicle, the court is required to order the minor to wash, paint, repair, or replace the damaged or destroyed property, or otherwise make restitution to the property owner as a condition of probation. Provides that if restitution is found inappropriate, the court must order the minor to perform community service, except as specified. Provides that in lieu of community service, the court may order the ward or ward's parents to participate in a graffiti abatement program, if one exists, as a condition of probation. (Welf. & Inst. Code, § 729.1, subd. (a).)

Existing law provides that if a minor is found to be a ward of the juvenile court and is not ordered removed from the physical custody of the parent or guardian, the court is required to order the minor to attend a school program approved by the probation officer without absence, to order the parent or guardian to participate in a counseling or education program with the minor, and to order minor to remain at the minor's place of residence between 10 pm and 6 am, as a condition of probation, except as specified. (Welf. & Inst. Code, § 729.2.)

Existing law provides that if a minor is found to be a ward of the juvenile court due to the commission of an assault or battery on school or park property, the court is required to order the minor to attend counseling. (Welf. & Inst. Code, § 729.6.)

Existing law provides that if a minor is found to be a ward of the juvenile court due to the unlawful possession, use, sale, or other furnishing of a controlled substance or other specified substances, upon the grounds of a school, church or synagogue, playground, youth center, child day care facility, or public swimming pool, during hours in which these facilities are open for business, classes, or school-related activities or programs, or at any time when minors are using the facility, the court is required to order the minor to perform community service as a condition of probation, except as provided. (Welf. & Inst. Code, § 729.8.)

Existing law provides that if a minor is found to be a ward of the court due to the commission of an offense involving the unlawful possession, use, sale, or other furnishing of a controlled substance, the court is required, when recommended by the probation officer, to order the minor not to use or be under the influence of any controlled substance and to order the minor to submit to drug and substance abuse testing as directed by the probation officer as a condition of probation. (Welf. & Inst. Code, § 729.9.)

Existing law provides that if a minor is found to be a ward of the juvenile court due to the commission of various acts of vandalism, the court as a condition of probation is required to order the minor to wash, paint, repair, or replace the property defaced, damaged, or destroyed by

the minor or otherwise pay restitution to the probation officer of the county for disbursement to the owner or possessor of the property or both. (Welf. & Inst. Code, § 742.16.)

This bill prohibits a minor adjudged to be a ward of the court who is subject to an order of probation, with or without supervision of the probation officer, from remaining on probation for a period that exceeds nine months, except as specified.

This bill provides that a court may extend the probation period for a period not to exceed six months after a noticed hearing and upon proof by a preponderance of the evidence that it is in the ward's and the public's best interest.

This bill requires the probation agency to submit a report to the court detailing the basis for any request to extend probation at the hearing.

This bill requires that the ward and the prosecuting attorney be given the opportunity to present relevant evidence. Provides that the court has discretion to receive evidence by testimony, declaration, and other documentary evidence.

This bill requires the court to state the reasons for the findings orally on the record in cases in which the court finds by a preponderance of the evidence a basis for extending probation beyond the nine-month period. Requires the court to set forth the reasons in an order entered upon the minutes if requested by either party or when the proceedings are not being recorded electronically or reported by a court reporter.

This bill requires the court, if it extends probation, to schedule and hold a noticed hearing for the ward not less frequently than every six months for the remainder of the wardship period.

This bill requires the court, prior to terminating jurisdiction over a ward subject to an order for foster care placement, to comply with existing provisions of law related to terminating jurisdiction over those youth. Prohibits the requirement to comply with those provisions of law from being a basis for continuing an order imposing terms and conditions of probation. Prohibits the ward from being subject to a petition to remove the ward from the physical custody of their parent, guardian, relative, or friend, or a violation of probation if the court retains jurisdiction.

This bill provides that its provisions do not preclude termination of a ward's probation before the end of a nine-month period.

This bill provides that it does not apply to any ward who is transferred from a secure youth treatment facility to a less restrictive program and who is subject to any remaining baseline or modified baseline term until the ward is discharged pursuant to a probation discharge hearing.

This bill requires that the conditions of probation ordered when a ward is placed on supervised or unsupervised probation meet all of the following requirements:

- The conditions are individually tailored, developmentally appropriate, and reasonable.
- The burden imposed by the conditions must be proportional to the legitimate interests served by the conditions.
- The conditions are determined by the court to be fitting and proper to the end that justice may be done and the reformation and rehabilitation of the ward enhanced.

This bill amends existing law that authorizes the court to order the ward to make restitution, to pay a fine up to \$250 for deposit in the county treasury if the court finds that the minor has the financial ability to pay the fine, or to participate in uncompensated work programs, and instead limits the court's authority to only order restitution.

This bill amends several provisions of law requiring the juvenile court to impose specific conditions of probation on a ward of the court and instead makes all of those conditions of probation discretionary.

This bill includes legislative findings and declarations.

COMMENTS

1. Need For This Bill

According to the author:

Probation is the most common court-ordered outcome for youth in California's juvenile courts, yet there are no clear standards for how long supervision should last. As a result, many young people—particularly youth of color—are placed on probation for indefinite periods, facing unrealistic and overly burdensome conditions that often do more harm than good. Instead of supporting rehabilitation, this approach traps young people in the legal system during critical years of development, increasing the risk of unnecessary detention and contributing to the school-to-prison pipeline.

AB 1376 creates a fair and balanced framework by establishing a nine-month probation timeline with a presumption for dismissal unless the court determines that an extension is in the youth's best interest. This change ensures that probation is focused on supporting growth and accountability, not prolonged punishment. This bill will also require that probation conditions are tailored, developmentally appropriate, and not excessive or punitive. By setting clear limits and expectations, AB 1376 keeps the focus where it belongs—on rehabilitation and helping young people learn from their mistakes so they can move forward with their lives.

2. Juvenile Probation

There are a number of dispositional outcomes available to the juvenile court for minors who are before the court based on the commission of a crime, including diversion, informal probation, and wardship probation. For minors placed on wardship probation, the court may order probation with or without the supervision of a probation officer.

Juvenile probation does not have a statutory cap or required periodic review unlike adult probation which is generally limited to one year for misdemeanors and two years for felonies, except as specified in statute. Instead, juvenile probation can last as long as the juvenile court has jurisdiction over the ward. (Welf. & Inst. Code, § 602, subds. (a)-(c).) Concerns about the use of juvenile probation were outlined in a recent report:

Probation is the most common court ordered outcome imposed on youth in juvenile court in California. Too often, youth are placed on probation for an unspecified amount of time, while under the microscope of overly burdensome and confusing probation conditions. Conditions are rarely individualized—or realistic—and are ultimately impediments to healthy youth development and rehabilitation. Furthermore, available data show that probation is more frequently imposed on youth of color, and for longer periods of time. Together, these practices trap many young people in the legal system for their entire adolescence, lead to further use of detention, and cause far more harm than good. (National Center for Youth Law and W. Haywood Burns Institute, *Ending Endless Probation* (Mar. 2021), p. 2, citing The Annie E. Casey Foundation, *Transforming Juvenile Probation: A Vision for Getting it Right* (2018) available at <<https://youthlaw.org/sites/default/files/attachments/2022-03/2021.03.02-End-Endless-Probation-v2.pdf>>.)

The California Department of Justice reported that in 2023, over 10,000 youth in California were placed on wardship probation. (Office of the Attorney General, *Juvenile Justice in California* (2023), p. 40, available at <<https://data-openjustice.doj.ca.gov/sites/default/files/2024-07/Juvenile%20Justice%20In%20CA%202023f.pdf>>.) The report included the percentage of each type of juvenile court disposition (e.g., wardship, informal probation, dismissed, etc.) within each racial or ethnic category, and indicated that 45.2% of White youths were placed on wardship probation, 53.4% Hispanic youths were placed on wardship probation, 48.9% Black youths were placed on wardship probation, and 40.2% of youth identified as “Other” were placed on wardship probation. (*Id.* at p. 41.)

This bill limits the period of time for which a court may place a ward of the court on probation to nine months, except that a court may extend probation in six-month increments if it finds by a preponderance of the evidence that doing so is in the best interest of the ward and the public.

Opponents of the bill argue that because the bill does not distinguish between more and less serious offenses, a court may be disinclined to grant probation in some instances, even with the ability to extend probation in six-month increments. Proponents of the bill counter that distinguishing between more and less serious offenses will lead prosecutors to upcharge. Committee members may wish to consider whether this bill should adopt an approach that distinguishes between categories of offenses but minimizes the likelihood of upcharging. For example, the bill could limit probation for misdemeanors and non-707(b) felonies to nine months with the six-month extension option and include a longer period of probation for 707(b) felonies with the six-month extension option.

3. Probation Conditions

A juvenile court may impose on a minor on probation “any and all reasonable conditions that it may determine fitting and proper to the end that justice may be done and the reformation and rehabilitation of the ward enhanced.” (Welf. & Inst. Code, § 730, subd. (b).) Generally, the conditions imposed on juveniles may be broader than criminal probation conditions. (*In re Antonio R.* (2000) 78 Cal.App.4th 937, 941.) In fact, “[a] juvenile court enjoys broad discretion to fashion conditions of probation for the purpose of rehabilitation and may even impose a condition of probation that would be unconstitutional or otherwise improper so long as it is tailored to specifically meet the needs of the juvenile.” (*In re Binh L.* (1992) 5 Cal.App.4th 194, 203; *In re Josh W.* (1997) 55 Cal.App.4th 1, 5; *In re Sheena K.* (2007) 40 Cal.4th 875, 889; *In re*

Michael D. (1989) 214 Cal.App.3d 1610, 1616.) In planning the conditions of a minor's supervision, the juvenile court considers not only the circumstances of the crime, but also the minor's entire social history. (*In re Binh L.*, *supra*, 5 Cal.App.4th 192, 203.) However, probation conditions may be void for vagueness or for being overbroad. "An order must be sufficiently precise for the probationer to know what is required of him, and for the court to determine whether the condition has been violated." (*People v. Reinerston* (1986) 178 Cal.App.3d 320, 324- 325.)

In *People v. Lent* (1975) 15 Cal.3d 481, the California Supreme Court articulated the following test to determine whether a probation condition constitutes an abuse of discretion: "A condition of probation will not be held invalid unless it '(1) has no relationship to the crime of which the offender was convicted, (2) relates to conduct which is not in itself criminal, and (3) requires or forbids conduct which is not reasonably related to future criminality.'" (*Id.* at p. 486.) "This test is conjunctive—all three prongs must be satisfied before a reviewing court will invalidate a probation term." (*People v. Olguin* (2008) 45 Cal.4th 375, 379.) "As such, even if a condition of probation has no relationship to the crime of which a defendant was convicted and involves conduct that is not itself criminal, the condition is valid as long as the condition is reasonably related to preventing future criminality." (*Id.* at pp. 379-380.)

The *Lent* test applies to juvenile probation conditions. (*In re P.O.* (2016) 246 Cal.App.4th 288, 294; *In re D.G.* (2010) 187 Cal.App.4th 47, 52.) In *In re Ricardo P.* (2019) 7 Cal.5th 1113, the California Supreme Court observed that "*Lent*'s requirement that a probation condition must be 'reasonably related to future criminality' contemplates a degree of proportionality between the burden imposed by a probation condition and the legitimate interests served by the condition." (*Id.* at p. 1122.)

Conditions of probation may include, among other things, electronic monitoring, drug testing, completion of education programs or other types of programs, or community service. The proponents of this bill argue that youth are "burdened with excessive and arbitrary probation conditions which, research has shown, harms their development and prospects for rehabilitation." (*Ending Endless Probation*, *supra*, at p. 5.) This bill requires conditions of probation for a ward to be individually tailored, developmentally appropriate, and reasonable. This bill additionally requires that the burden imposed by those conditions is proportional to the legitimate interests served by the conditions.

This bill also amends several provisions of existing law that require a court to impose certain conditions of probation and instead makes all of those conditions of probation discretionary.

4. Juvenile Justice Realignment

With the passage of SB 823 (Committee on Budget), Chapter 337, Statutes of 2020, the state planned the closure of the Division of Juvenile Justice (DJJ) and realigned the responsibility for managing all youth under the jurisdiction of the juvenile courts to county probation departments. This change resulted in the reallocation of funding to counties to enable them to meet the needs of youth who would have previously been committed to DJJ. SB 92 (Committee on Budget), Chapter 18, Statutes of 2021, was enacted the following year to establish a new dispositional option for juveniles ages 14 and over who are adjudicated for a Welfare and Institutions Code section 707(b) offense (i.e., a specified serious or violent felony) and for whom a less restrictive alternative disposition is not suitable. This dispositional option—commitment to a secure youth treatment facility (SYTF)—is a secured, custodial setting.

If a court commits a youth to an SYTF, it must set a baseline term of commitment that must “represent the time in custody necessary to meet the developmental and treatment needs of the ward and to prepare the ward for discharge to a period of probation supervision in the community.” (Welf. & Inst. Code, § 875, subd. (b)(1).) The court is also required to approve an individualized rehabilitation plan (IRP) after making an order to commit a youth to an SYTF which must identify the youth’s needs and describe the programming, treatment, and education to be provided in relation to those needs. (Welf. & Inst. Code, § 875, subd. (d).)

The court must review the progress of a youth committed to an SYTF at least every six months, and may order that the youth remain in custody for the remainder of the baseline term or modify the baseline term downward by up to six months at each hearing. (Welf. & Inst. Code, § 875, subd. (e)(1)(A).) The court may additionally order that the youth be assigned to a less restrictive program (LRP). (Welf. & Inst. Code, § 875, subd. (e)(1)(A).)

At the conclusion of the baseline confinement term, including any modified baseline term, the court must hold a probation discharge hearing. (Welf. & Inst. Code, § 875, subd. (e)(3).) At the discharge hearing, the court reviews the youth’s progress toward meeting the goals of the IRP as well as the recommendations of counsel, the probation department, and any other agencies or individuals having information the court deems necessary. (Welf. & Inst. Code, § 875, subd. (e)(3).) The court must order that the youth be discharged to a period of probation supervision in the community unless the court finds that the youth constitutes a substantial risk of imminent harm to others in the community if released from custody. (Welf. & Inst. Code, § 875, subd. (e)(3).) If the youth is discharged to probation supervision, the court must determine reasonable conditions of probation that meet the developmental needs and circumstances of the youth and facilitate the youth’s successful reentry into the community. (Welf. & Inst. Code, § 875, subd. (e)(4).) The court must periodically review the youth’s progress under probation supervision and make additional orders as necessary to facilitate the provision of services or to otherwise support the youth’s successful reentry into the community. (Welf. & Inst. Code, § 875, subd. (e)(4).)

This bill states that it does not apply to any ward who is transferred from an SYTF to an LRP and who is subject to any remaining baseline or modified baseline term until the ward is discharged pursuant to a probation discharge hearing. In other words, the provisions of this bill do not apply to a youth committed to an SYTF who subsequently transfers to an LRP until the youth is discharged onto probation. At that point, the provisions limiting the probation period to nine months with the possibility of six-month extensions applies. As such, this bill also applies to a youth committed to an SYTF who is never transferred to an LRP, and who instead, is discharged directly onto probation following the conclusion of their baseline or modified baseline term.

5. AB 503 Veto Message

This bill is substantially similar to AB 503 of the 2021-2022 legislative session. However, AB 503 limited the probation period to six months in contrast to nine months in this bill. In his veto message of AB 503, Governor Newsom wrote:

This bill would limit the period of time in which a court may place a ward of the court on probation to six months and extend probation in six month increments upon proof that it is in the best interest of the ward.

I support juvenile justice reform and rehabilitation, which is why, in 2020, I led

the effort to realign juvenile justice in California. Realignment is an important reform that has impacted every step of the juvenile justice process, from placement decisions to discharge. County probation has had to work swiftly to adapt to providing care and programming to a new population.

Realignment will not be final until the Division of Juvenile Justice closes in June of next year. As counties prepare for the full implementation of realignment, I am concerned that changes to the juvenile justice system, like those outlined in this legislation, create additional workload for the courts and probation during realignment. I am also concerned about costs driven by the increased number of hearings, the courts estimate that this increased workload will cost millions of dollars.

6. Argument in Support

The W. Haywood Burns Institute, one of the bill's co-sponsors writes:

AB 1376 would establish statewide standards for oversight and accountability in the noncustodial probation system. By checking in on young people at appropriate intervals, we can protect them from spending their childhoods languishing on probation unnecessarily. ...

...

In contrast to a growing number of states, California has no statutory limitation on the length of time young people spend under court ordered, non-custodial “wardship” probation supervision—something that was changed in the California adult courts five years ago with AB 1950 (2020). While data are not typically published by California Probation Departments about how long youth spend on probation, a Public Records Act request in 2020 revealed that on average, youth of color are on probation far longer than white youth. Specifically, White youth were on probation for an average of less than 20 months, while Black youth were on probation for an average of nearly 21 months, Asian youth for more than 22 months, and Latinx youth for more than 25 months.

Long probation terms significantly increase the likelihood that youth will be charged with probation violations, sometimes resulting in incarceration, and often for minor noncriminal transgressions. This practice is in conflict with the principles of youth development and is consistent with research demonstrating that keeping youth on supervision for longer than six months does not likely result in public safety gains. Guided by this research, juvenile justice experts in the Pew Charitable Trusts’ Public Safety Performance Project have recommended shorter periods of probation for youth in several states.

Further, probation conditions all too often set youth up for failure. Research shows that youth often do not understand what is expected of them even right after they leave the courtroom at the time of disposition. The imposition of long lists of requirements, many of which bear little or no relationship to the behavior that brought the youth before the court, make it difficult for youth to succeed. Juvenile court probation orders in California can include anywhere from five to

56 conditions of probation. Several counties have more than 30. Standard terms and conditions of probation for youth, regardless of level of need, are not always individually tailored and developmentally appropriate to provide adequate support. Evidence supports limiting probation terms and using the incentive of shortening probation terms as a reward for positive behavior showing that this can improve outcomes and reduce costs without compromising public safety.

AB 1376 will address the problems with California's non-custodial probation system by:

- Ensuring youth on non-custodial probation have their cases reviewed in a hearing within 9 months, and again every 6 months until probation is terminated.
- Maintaining judicial discretion by ensuring judges can grant extensions to probation as needed. Under AB 1376, as long as a judge decides it is "more likely than not" that probation should be extended, they can extend probation.
- Encouraging successful termination by giving young people an achievable goal and clear timelines.
- Requiring probation conditions to be individually tailored, developmentally appropriate, and reasonable.
- Increasing judicial discretion by changing statutorily mandated probation conditions to permissive probation conditions, so that judges are able to make individualized determinations.

7. Argument in Opposition

According to the Chief Probation Officers of California:

Probation practices reflect, and we are supportive of, processes to incentivize and support youth in meeting their individualized goals, completing programs and treatment, and being able to safely discharge from wardship as soon as is consistent with their rehabilitative goals and community safety. Additionally, mechanisms currently exist to petition the courts and for courts to review and consider discharge from probation. This bill, however, moves away from individualized approaches and mandates discharge, requires extension by preponderance of evidence, and references that the ward's best interest shall be considered but not the totality of what is also in the best interest of public safety.

Wardship probation is reserved for circumstances involving more serious offenses and when deemed necessary and appropriate for the safety of the youth and the community. Youth who have been made wards of the court ... have been determined by the court to need focused services, programming, and treatment that may extend beyond 9 months ... It is important to highlight that wardship can include the most serious and violent 707(b) offenses and therefore the ability of individualized approaches is paramount. This bill establishes a probation term for wardship, which is deemed at the higher end of the juvenile continuum, for shorter durations than diversion or DEJ [deferred entry of judgment].

We are concerned that by setting a presumption for mandatory discharge at 9 months, even with the potential to extend, that it will have unintended public safety consequences. It is important to note that while courts in some counties have established timelines for reviewing, there are none that require the outcomes of that review to be a discharge from probation, nor are there any that have adopted a presumption of discharge from probation. This is because the system is premised on individualized probation terms designed to best meet the rehabilitative and criminogenic needs of each youth and young adult served.

Further, post DJJ realignment, the percentage of the population of youth and young adults subject to county probation who have been adjudicated for the most serious and violent 707(b) offenses has significantly increased, and establishing the presumption of 9-month probation supervision terms is arbitrary. The courts currently have necessary flexibility to make individualized determinations which balance both the needs of the youth and young adults served, and the public safety interests of the communities in which they are supervised and will ultimately reenter.

... The prescriptiveness and scope of applicability of this bill are not in the best interest of public safety or the meaningful rehabilitative work that is done to support wards of the court in making progress to meet their rehabilitative goals, keep communities safe, and reduce victimization.

-- END --