
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: AB 1886 **Hearing Date:** June 30, 2026
Author: Elhawary
Version: June 16, 2026
Urgency: No **Fiscal:** No
Consultant: SJ

Subject: *Wards: probation*

HISTORY

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

Prior Legislation: AB 1376 (Bonta), Ch. 575, Stats. of 2025
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: A New Path; ACLU California Action; Alianza for Opportunity; All of US or None – Sacramento; All of US or None Riverside; Alliance of Californians for Community Empowerment Action; Asian Solidarity Collective; Back to the Start; BAY-Peace; Bend the Arc: Jewish Action, California; Bridges of Hope CA; Brotherhood Crusade; California Alliance of Child and Family Services; California Attorneys for Criminal Justice; California Coalition for Women Prisoners; California Community Foundation; California for Safety and Justice; California Public Defenders Association; California School-Based Health Alliance; Californians for Safety and Justice; Californians United for a Responsible Budget; Cancel the Contract; Cancel the Contract Antelope Valley; Center for Juvenile Law and Policy, Loyola Law School; Center on Juvenile and Criminal Justice; Children Now; Children's Defense Fund – CA; Coalition of California State Tribes; Coleman Advocates for Children & Youth; Community Interventions; Community Works; Consumer Attorneys of California; Ella Baker Center for Human Rights; Equity California; Essie Justice Group; Fair Chance Project; Families Inspiring Reentry & Reunification 4 Everyone; Felony Murder Elimination Project; Freedom 4 Youth; Fresno Barrios Unidos; Friends Committee on Legislation of California; Glide Foundation; Haywood Burns

Institute; Hoops 4 Justice; Initiate Justice; Initiate Justice Action; Insideout Writers; Integral Community Solutions Institute; Jesse's Place Organization; Legal Services for Prisoners With Children; Local 148 Los Angeles County Public Defender's Union; Los Angeles Brotherhood Crusade - Black United Fund; MILPA Collective; Nuestra Causa; Peace and Justice Law Center; Peace United Church of Christ, Santa Cruz; Pillars of the Community; Restore 180; Restoring Hope California; San Francisco Public Defender; Smart Justice California; The California Youth Justice Project; Ujima Adult and Family Services; Underground Grit; Universidad Popular; Urban Peace Institute; Urban Peace Movement; W. Haywood Burns Institute; Youngsters for Change; Youth Alliance; Youth Law Center; Youth Leadership Institute

Opposition: Association of Orange County Deputy Sheriffs; California Judges Association; California State Sheriffs' Association; Chief Probation Officers' of California; Sacramento County Probation Association; San Joaquin County Probation Officers Association; State Coalition of Probation Organizations

Assembly Floor Vote:

46 - 21

PURPOSE

The purpose of this bill is to remove the exclusion of wards who have been ordered to be under the supervision of the probation officer in specified out-of-home placements from the general 12-month limitation on juvenile probation.

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 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 12 months from the most recent disposition hearing, except as specified. Specifies that a court is not precluded from holding progress review hearings at any point prior to 12 months from the most recent disposition hearing. (Welf. & Inst. Code, § 602.05, subd. (a).)

Existing law authorizes a court may extend the probation period 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, consistent with Section 202. (Welf. & Inst. Code, § 602.05, subd. (b).)

Existing law requires the probation agency to submit a report to the court detailing the basis for any request to extend probation. (Welf. & Inst. Code, § 602.05, subd. (b)(1).)

Existing law requires the court to provide the ward and the prosecuting attorney with the opportunity to present relevant evidence. Provides that the court has discretion to receive evidence by testimony, declaration, and other documentary evidence. (Welf. & Inst. Code, § 602.05, subd. (b)(2).)

Existing law requires the court, in cases in which the court finds by a preponderance of the evidence a basis for extending probation, to state the reasons for the findings orally on the record. Requires the court to also 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. (Welf. & Inst. Code, § 602.05, subd. (b)(3).)

Existing law requires, if the court finds good cause to continue the noticed hearing, probation to continue until completion of the noticed hearing, provided that continuance is only as long as necessary. (Welf. & Inst. Code, § 602.05, subd. (b)(4).)

Existing law requires the court, if it extends probation at the noticed hearing, to schedule and hold subsequent noticed hearings for the ward not less frequently than every six months for the remainder of the wardship period. (Welf. & Inst. Code, § 602.05, subd. (c).)

Existing law specifies that termination of a ward's probation before the end of a twelve-month period is permitted. (Welf. & Inst. Code, § 602.05, subd. (d).)

Existing law requires the court to comply with the provisions of existing law prior to terminating jurisdiction over a youth who is a minor or was a nonminor or ward subject to an order for foster care placement. (Welf. & Inst. Code, § 602.05, subd. (e).)

Existing law provides that the limit on a youth's probation term does not apply to any ward whom the court ordered the care, custody, and control of the minor or nonminor to be under the supervision of the probation officer, as specified, for foster care placement. Prohibits the requirement to comply with the provisions of Section 607.2 from being the sole basis for continuing an order imposing terms and conditions of probation. Provides that if the court retains jurisdiction, the ward shall not be subject to a removal petition directing an out-of-home placement or a violation of probation. (Welf. & Inst. Code, § 602.05, subd. (f).)

Existing law provides that the limit on a youth's probation term does not apply to a ward while serving a custodial commitment to a juvenile hall, juvenile home, ranch, camp, or forestry camp. (Welf. & Inst. Code, § 602.05, subd. (g).)

Existing law provides that the limit on a youth's probation term does not apply to any ward who is transferred from a secure youth treatment facility to a less restrictive program or to any ward who is discharged from a secure youth treatment facility pursuant to a probation discharge hearing. (Welf. & Inst. Code, § 602.05, subd. (h).)

Existing law requires the court to hold a hearing prior to terminating jurisdiction over a ward who satisfies any of the following criteria:

- Is a minor subject to an order for foster care placement as a ward who has not previously been subject to the jurisdiction of the court, as specified.
- Is a nonminor who was subject to an order for foster care placement as a ward on the day he or she attained 18 years of age.
- Is a ward who was subject to an order for foster care placement as a dependent of the court at the time the court adjudged the child to be a ward of the court, as specified. (Welf. & Inst. Code, § 607.2, subd. (a).)

This bill prohibits, prior to the court's termination of jurisdiction over a youth in foster care, the requirement to comply with existing law pertaining to the termination of that jurisdiction, from being a basis for extending the probation period. Provides that if the procedures described in Section 607.2 cannot be completed before the end of the period of probation, the court may maintain jurisdiction beyond the end of the probation period for the purpose of compliance. Prohibits the court from imposing any terms and conditions of probation or any other conditions of performance or compliance on the ward during this period of extended jurisdiction.

This bill deletes a provision of existing law that states that the general limit on a juvenile probation term does not apply to a minor or nonminor who is on supervised probation and in a foster care placement.

COMMENTS

1. Need For This Bill

According to the author:

Keeping young people on probation longer doesn't make our communities safer. It increases violations and pushes youth back into the system. And we know the harm isn't felt equally. Youth of color are kept on probation longer than their white peers. AB 1886 builds on the work of AB 1376 (Bonta, 2025) by making sure probation remains individualized, developmentally appropriate, and fair, while extending those same protections to youth in out-of-home placements. This bill is about equity and consistency. Judges still have the authority to extend probation when it's truly necessary, but no young person should be excluded from review simply because of where they live.

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.

The California Department of Justice reported that in 2024, over 11,000 youth in California were placed on wardship probation. (Office of the Attorney General, *Juvenile Justice in California* (2025), p. 40, available at <<https://data-openjustice.doj.ca.gov/sites/default/files/2025-07/Juvenile%20Justice%20In%20CA%202024%20final.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 43.2% of White youths were placed on wardship probation, 54.2% Hispanic youths were placed on wardship probation, 49.7% Black youths were placed on wardship probation, and 41.6% of youth identified as “Other” were placed on wardship probation. (*Id.* at p. 41.)

AB 1376 (Bonta), Chapter 575, Statutes of 2025, established a presumptive 12-month limit that a ward may remain on probation. Welfare and Institutions Code section 602.05 authorizes a court to extend the probation period 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. Existing law requires the court to hold noticed hearings for the ward not less frequently than every 6 months for the remainder of the wardship period if the court extends probation.

Notably, AB 1376 excluded from the 12-month limitation on probation any ward that has been ordered to be under the supervision of the probation officer for placement in specified out-of-home placements; any ward serving a custodial commitment to a juvenile hall, juvenile home, ranch, camp, or forestry camp; and, any ward who is transferred from an SYTF to an LRP or who has been discharged from an SYTF.

3. Effect of This Bill

Proponents of the bill argue that AB 1376 excluded foster youth, creating an inequity that this bill seeks to address. In order to address this concern, this bill prohibits, prior to the court’s termination of jurisdiction over a youth in foster care, the requirement to comply with existing law pertaining to the termination of that jurisdiction, from being a basis for extending the probation period. However, the bill provides that if the procedures described in Section 607.2 cannot be completed before the end of the period of probation, the court may maintain jurisdiction beyond the end of the probation period for the purpose of compliance but the court is prohibited from imposing any terms and conditions of probation or any other conditions of performance or compliance on the ward during this period of extended jurisdiction. This bill also deletes a provision of existing law that states that the general limit on a juvenile probation term does not apply to a minor or nonminor who is on supervised probation and in a foster care placement.

4. Argument in Support

According to Smart Justice:

AB 1886 reflects a growing body of research demonstrating that overly burdensome probation systems do not improve public safety outcomes and instead increase the likelihood of system re-involvement. Youth placed on probation often face extensive conditions and prolonged supervision periods that set them up for failure rather than success. While California took steps to address this issue

with AB 1376 (2025 - Bonta), it excluded particularly vulnerable populations, including youth in foster care. In doing so it created an inequitable double standard that AB 1886 addresses. This bill moves California toward a more equitable, effective approach grounded in adolescent development science and national best practices.

Recent research confirms that probation, as currently structured, can function more as a surveillance system than a rehabilitative one. Studies have found that longer probation terms are associated with higher rates of technical violations—non-criminal rule violations such as missing appointments or failing to comply with curfews—which frequently led to deeper system involvement without improving public safety outcomes. Shorter probation terms can reduce reoffending while lowering system costs.

These harms are particularly acute for youth in foster care, who are disproportionately drawn into the juvenile legal system through pathways often described as the “crossover youth” phenomenon. Research has shown that foster youth are significantly more likely to be arrested, charged, and placed on probation than their non-system-involved peers. Once on probation, they face compounded challenges, including placement instability, limited access to supportive services, and heightened surveillance from multiple systems.

In California, disparities remain stark. Youth of color continue to be overrepresented at every stage of the juvenile legal system, including probation placement. Youth of color are more likely to be placed on probation and to remain under supervision for longer periods compared to their white peers. These disparities intersect with foster care involvement, further exacerbating inequities.

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Importantly, studies consistently show that most positive behavior change occurs within the first several months of supervision. Extending probation beyond that period yields diminishing returns and increases the risk of violations. National best practices now recommend limiting probation length and tailoring conditions to the individual needs and circumstances of the youth.

AB 1886 addresses these challenges by advancing policies that:

- Promote reasonable limits on probation supervision consistent with research on adolescent development and recidivism reduction;
- Encourage individualized, developmentally appropriate probation conditions; and
- Reduce unnecessary system involvement, particularly for foster youth and other system-impacted populations.

By aligning California’s approach with the evidence base, AB 1886 will help ensure that ALL youth are supported while maintaining community safety. All young people deserve the opportunity to grow, make mistakes, and succeed without being unnecessarily entangled in punitive systems. For youth in foster care, who already face significant structural barriers, reforming probation practices is especially critical to advancing equity and long-term well-being.

5. Argument in Opposition

The Chief Probation Officers of California writes:

Last year, the Chief Probation Officers of California (CPOC) opposed Assembly Bill 1376 (Bonta), which, when implemented in January of this year, set a 12-month mandatory presumption for discharge from court ordered probation for wards of the court up to age 25, including those adjudicated of having committed the most serious and violent 707(b) offenses including murder, rape, and kidnapping.

CPOC's opposition was premised on the fact that the bill set a presumption of discharge and removed the court's ability to make individualized determinations based on the criminogenic risks and rehabilitative needs of youth and the public safety impact to communities. Our opposition to this bill continues to reflect these underlying concerns.

While AB 1376 just went into effect in January, courts and probation departments across the state have already seen the impacts to juvenile probationers and the communities to which they are returning prior to completion of necessary rehabilitative programming.

Now, AB 1886 (Elhawary) seeks to undo limited but necessary exemptions that were part of last year's AB 1376. AB 1886 would now also apply to probation foster youth which similarly were exempted from the bill last year in light of focused approaches taken by the court in addressing their needs as foster youth within the juvenile justice system. These youth reflect youth who have been adjudicated of a multitude of offenses, including, at times, serious and violent offenses and are placed in out-of-home care.

Additionally, despite the removal of the SYTF language from the bill, we would note that the current statutory language around SYTF's is drafted in a way that does not make it as clear that *serving a commitment* to SYTF's is exempted from the 12 month presumption similar to how the language reads for juvenile halls, camps and ranches.

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