

Introduced by Senator Romero

February 22, 2005

An act to add Sections 1779, 1779.1, and 1779.2 to the Welfare and Institutions Code, relating to the Youth Authority.

LEGISLATIVE COUNSEL'S DIGEST

SB 795, as amended, Romero. Youth Authority: parole.

Existing law provides for the release on parole of persons from the Department of the Youth Authority.

~~This bill would express the intent of the Legislature to enact legislation providing for the transfer of Youth Authority parole supervision and services from state to local governments, as specified, and requiring that each ward be provided with a reentry plan upon release, prior to the release of a ward, require the Youth Authority to provide specified notice to the probation department of the county to which the ward will be released, and would require the preparation of a written release plan by those entities and the juvenile court. The bill would require that plan be based on an individual assessment of the ward's parole and reentry risks and needs, and would require review of that plan with the ward. Upon release, the bill would require the probation department, in conjunction with the juvenile court, to have primary responsibility for supervision of the ward and for the implementation of the community reentry phase. The bill would make specified findings and declarations in that regard.~~

By adding to the duties of local probation departments, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares that the
2 parole population of the Youth Authority has declined
3 significantly in recent years and is projected to decrease from
4 3,800 cases statewide on June 30, 2005, to fewer than 3,500
5 parolees statewide by June 30, 2006. As the parole population
6 has declined, the Youth Authority has found it increasingly
7 difficult to provide optimum supervision and services to parolees
8 statewide in a cost-effective manner. Local probation
9 departments and courts already supervise large numbers of
10 juvenile offenders and are better positioned to provide local and
11 community supervision and programs to each ward released from
12 the Youth Authority.

13 (b) It is the intent of the Legislature to enact legislation that
14 will do all of the following:

15 (1) Provide for the transfer of Youth Authority parole
16 supervision and services from state to local governments under
17 the terms, provisions, and funding mechanisms described herein.

18 (2) Ensure that each ward committed to the Youth Authority
19 shall, upon release from the Youth Authority, have an individual
20 reentry plan addressing the ward's needs in relation to
21 supervision, public safety, housing, education, employment,
22 health and mental health care and related needs, and ensure that
23 local juvenile courts and probation departments shall have the
24 primary responsibility for the implementation of each ward's
25 reentry plan.

26 (3) Ensure that each ward committed to the Youth Authority
27 shall be released to parole with sufficient control time remaining,
28 prior to reaching the maximum confinement or maximum
29 jurisdictional time in the case, so that the ward's individual

1 reentry plan can be successfully implemented in the ward's
2 community of release.

3 *SEC. 2. Section 1779 is added to the Welfare and Institutions*
4 *Code, to read:*

5 *1779. Not later than 120 days prior to the parole*
6 *consideration date established for each ward, or not later than*
7 *120 days prior to any other date as may have been determined by*
8 *the Youth Authority Board for the prospective release of the*
9 *ward, the following shall occur:*

10 *(a) The Youth Authority shall provide written notice to the*
11 *probation department of the county to which the ward will be*
12 *released, notifying the department of the prospective date of*
13 *release.*

14 *(b) The Youth Authority shall prepare, in cooperation with the*
15 *probation department and the juvenile court of the county of*
16 *release, a written release plan, which shall be completed no later*
17 *than 90 days prior to the ward's scheduled release.*

18 *(c) The release plan shall be implemented in two successive*
19 *phases: a 90-day institutional phase, as described in Section*
20 *1779.1, and a 12-month community reentry phase, as described*
21 *in Section 1779.2.*

22 *(d) The release plan shall be based on an individual*
23 *assessment of the ward's parole and reentry risks and needs, and*
24 *shall include specific strategies and requirements related to the*
25 *risks and needs identified in the assessment, including, but not*
26 *limited to, employment, education, financial and family support,*
27 *health and mental health treatment, substance abuse treatment,*
28 *gang outreach and prevention, and other treatment needs. The*
29 *release plan shall take into account the specific reentry*
30 *programs, procedures, and resources available in the county of*
31 *release. The release plan also shall specify where the ward will*
32 *be housed upon release. The plan shall also address public safety*
33 *risks that may be presented by the ward, and shall include*
34 *reasonable conditions of parole designed to address those risks.*
35 *The plan shall also include a description of the sanctions that*
36 *may be imposed if the ward fails to observe those conditions.*

37 *SEC. 3. Section 1779.1 is added to the Welfare and*
38 *Institutions Code, to read:*

39 *1779.1. Not later than 90 days prior to release of the ward,*
40 *the Youth Authority shall implement the institutional phase of the*

1 *release plan. In this phase, the release plan shall be reviewed*
2 *with the ward to facilitate the ward's understanding and*
3 *cooperation with the plan. In this phase, the Youth Authority*
4 *shall focus its vocational, educational, and other available*
5 *services on helping the ward prepare for release on parole. Also*
6 *in this phase, the ward shall be informed of the conditions of*
7 *release in the plan and of the procedures, sanctions, and*
8 *consequences for failure to observe those conditions.*

9 *SEC. 4. Section 1779.2 is added to the Welfare and*
10 *Institutions Code, to read:*

11 *1779.2. (a) Upon release of the ward, the community reentry*
12 *phase of the release plan shall be implemented within the county*
13 *to which the ward has been released. The community reentry*
14 *phase shall last for 12 months, unless extended by the court*
15 *having jurisdiction over the ward, not to exceed the maximum*
16 *control times provided in Sections 1769, 1770, and 1771.*

17 *(b) The probation department in the county of release, in*
18 *cooperation with the juvenile court in the county of release, shall*
19 *have primary responsibility for supervision of the ward and for*
20 *the implementation of the community reentry phase of the ward's*
21 *release plan. Each county shall establish its own procedures for*
22 *supervision of the ward and for release plan implementation,*
23 *including a schedule for progress reviews and for appearances of*
24 *the ward before the probation officer or the court.*

25 *(c) The community reentry phase shall include an immediate*
26 *postrelease period of intensive supervision, lasting not less than*
27 *30 days, in which housing shall be located for the ward and in*
28 *which linkages necessary to implement the release plan shall be*
29 *made to local services and programs.*

30 *SEC. 5. If the Commission on State Mandates determines that*
31 *this act contains costs mandated by the state, reimbursement to*
32 *local agencies and school districts for those costs shall be made*
33 *pursuant to Part 7 (commencing with Section 17500) of Division*
34 *4 of Title 2 of the Government Code.*