

AMENDED IN ASSEMBLY DECEMBER 13, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 1110

Introduced by Assembly Member Parra

February 23, 2007

An act ~~relating to child pornography~~ to add Sections 1768.01, 1768.02, 1768.03, 1768.04, 1768.05, 1768.06, and 1768.07 to the Welfare and Institutions Code, relating to the Department of Corrections and Rehabilitation Division of Juvenile Justice.

LEGISLATIVE COUNSEL'S DIGEST

AB 1110, as amended, Parra. ~~Child pornography.~~ Department of Corrections and Rehabilitation Division of Juvenile Justice.

Existing law sets forth the powers and the duties of the Department of Corrections and Rehabilitation Division of Juvenile Justice, including the power to establish and operate treatment and training services for its wards.

This bill would require the division to complete a comprehensive study on any newly committed ward with regard to that ward's educational, physical, and mental status, and substance involvement, if any. The bill would require that every ward be provided with specified educational programs and counseling services. The bill would further require the division to hold quarterly case conferences to assess the ward's progress, and to make a written report after each conference, as specified. The bill would require further studies to determine an appropriate program for a ward's transition back into the community. The bill would also create specified provisions with regard to the exhaustion of administrative remedies, and the notification of the Department of Finance and certain legislative committees upon an

inability to provide the above-described services. These provisions would become operative on July 1, 2009, or July 1, 2010, as specified.

~~Existing law establishes various offenses related to the creation, possession, distribution of, and other matters relating to child pornography.~~

~~This bill would express the intent of the Legislature to enact legislation to change any misdemeanor offense pertaining to child pornography to a felony.~~

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

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

1 SECTION 1. Section 1768.01 is added to the Welfare and
2 Institutions Code, to read:

3 1768.01. The Division of Juvenile Justice shall complete a
4 comprehensive study of each ward newly committed to the division
5 within 30 days of delivery of the ward. The study shall assess the
6 ward’s educational, physical, and mental status. The study shall
7 determine the degree of the ward’s substance involvement, and
8 the activities most likely to assist the ward in avoiding substance
9 abuse issues upon release from confinement, as appropriate. The
10 division shall also assess the ward’s likely institutional behavior
11 in order to house the ward appropriately while confined. Any
12 period of time that a ward is not available to participate in the
13 study as a result of a court order shall not be considered part of
14 the 30-day period.

15 SEC. 2. Section 1768.02 is added to the Welfare and Institutions
16 Code, to read:

17 1768.02. Each ward not possessing a high school diploma, or
18 not having passed a high school equivalency examination, shall
19 be provided with an appropriate educational program to improve
20 the ward’s educational achievement. For wards that possess a
21 high school diploma or have passed a high school equivalency
22 examination, the Division of Juvenile Justice shall provide a
23 program that enhances that ward’s employability upon release.

24 SEC. 3. Section 1768.03 is added to the Welfare and Institutions
25 Code, to read:

1 1768.03. (a) Each ward, at a minimum, shall be provided with
2 counseling services while confined in a facility of the Division of
3 Juvenile Justice, as follows:

4 (1) One hour per month of individual counseling.

5 (2) Two sessions per month of small group counseling, of one
6 hour each or more.

7 (3) Substance abuse counseling, as appropriate, to address the
8 ward's underlying substance abuse issues, if applicable.

9 (b) The counseling services required by this section shall be
10 provided by adequately trained staff, as determined by the director.

11 Any person providing those services shall devote his or her full
12 attention to those services, and shall not be assigned any other

13 responsibilities while engaged in counseling activities.

14 Notwithstanding this limitation, correctional peace officers
15 engaged in counseling activities shall respond to emergency
16 situations consistent with departmental policies.

17 SEC. 4. Section 1768.04 is added to the Welfare and Institutions
18 Code, to read:

19 1768.04. (a) In order to maximize the value of the treatment
20 program, management shall ensure that a case conference is held
21 at least quarterly to assess the ward's progress. The conference
22 shall be attended by all of the following:

23 (1) The ward's primary counselor.

24 (2) A representative of the education program familiar with the
25 ward's academic progress, if the ward is enrolled in the school
26 program of the Division of Juvenile Justice.

27 (3) A representative of the ward's substance abuse program, if
28 the ward is an active participant in the program.

29 (4) A person with case management, supervisory, or
30 management responsibilities.

31 (b) The person described in paragraph (4) of subdivision (a)
32 shall prepare a written report within 15 days of a case conference.

33 SEC. 5. Section 1768.05 is added to the Welfare and Institutions
34 Code, to read:

35 1768.05. At least 60 days prior to the ward's first release from
36 confinement, the Division of Juvenile Justice shall undertake a
37 study to determine an appropriate program for the ward's
38 transition back into the community. At a minimum, the study shall
39 do the following:

1 (a) Address the ward’s ability to support himself or herself in
2 a legal manner.

3 (b) Determine the appropriate services the ward needs to
4 transition successfully into the community, and the appropriate
5 level of supervision that shall be provided to enhance public safety.

6 SEC. 6. Section 1768.06 is added to the Welfare and Institutions
7 Code, to read:

8 1768.06. Prior to proceeding to court for an alleged violation
9 of Sections 1768.01 to 1768.05, inclusive, a ward or parolee shall
10 exhaust his or her administrative remedies. If the court finds that
11 the Division of Juvenile Justice has violated any of those
12 provisions, the court may grant any appropriate injunctive relief
13 to remedy the violation. No monetary damages shall be awarded
14 for a violation of those provisions.

15 SEC. 7. Section 1768.07 is added to the Welfare and Institutions
16 Code, to read:

17 1768.07. If the director is unable to provide the services
18 required by Sections 1768.01 to 1768.05, inclusive, the director
19 shall notify the Director of Finance of the deficiency. A copy of
20 that notice shall be provided to the chairpersons of the Joint
21 Legislative Budget Committee, and the Assembly and Senate
22 committees responsible for public safety, appropriations, and
23 budget.

24 SEC. 8. Sections 1 to 4, inclusive, and Sections 6 and 7 of this
25 act shall become operative on July 1, 2009. Section 5 of this act
26 shall become operative on July 1, 2010.

27 SECTION 1. ~~It is the intent of the Legislature to enact~~
28 ~~legislation to change any misdemeanor offense pertaining to child~~
29 ~~pornography to a felony.~~