

AMENDED IN ASSEMBLY MAY 28, 2010

AMENDED IN ASSEMBLY APRIL 6, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2264

Introduced by Assembly Member De Leon
(Principal coauthor: Senator Liu)
(Coauthors: Assembly Members Jones and Skinner)

February 18, 2010

An act to add Section 1463.011 to the Penal Code, relating to debt collection.

LEGISLATIVE COUNSEL'S DIGEST

AB 2264, as amended, De Leon. Debt collection: homeless youth.

Existing law requires the Judicial Council to adopt guidelines for a comprehensive program concerning the collection of moneys owed for fees, fines, forfeitures, penalties, and assessments imposed by court order.

This bill would ~~prohibit the issuance of an order for~~ *require the court to consider collection alternatives to the garnishment of earnings or the levy of a bank account or the earnings of a homeless youth, as defined, for the enforcement and collection of fees, fines, forfeitures, or penalties imposed by a court due to the violation of state or local law related to truancy, loitering, curfew violations, or illegal lodging if the court has reason to believe that the debtor is a homeless youth, as defined.* This bill would provide that an order for garnishment may be issued if it is proven, by a preponderance of the evidence, that the youth against whom the garnishment is sought does not qualify as a homeless youth. The bill would make related findings and declarations.

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

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) There are approximately 1.6 million homeless youths
- 4 nationwide, according to the United States Department of Justice.
- 5 (b) Youths become homeless and disconnected from their
- 6 parents for three primary reasons:
- 7 (1) They flee homes that have become dangerous.
- 8 (2) Their parents force them from their homes.
- 9 (3) As a matter of state policy, foster youths, who have been
- 10 abused or neglected, are forced onto the streets on their 18th
- 11 birthdays.
- 12 (c) Shelters are frequently full or predominantly serve adult
- 13 homeless persons. These shelters, even when they have available
- 14 space, can be dangerous for youths.
- 15 (d) Despite all of the this, homeless youths are routinely ticketed
- 16 for offenses that are the inevitable symptoms of the homelessness
- 17 that adults have imposed upon them. These offenses include
- 18 truancy, loitering, curfew violations, and illegal lodging.
- 19 (e) The California Research Bureau has documented that if a
- 20 homeless youth fails to show up to contest or pay a ticket, that
- 21 homeless youth's wages or bank accounts may be garnished and
- 22 his or her credit report may be damaged.
- 23 (f) Garnishment of the wages and savings of a homeless youth
- 24 and the damage to his or her credit report makes it far harder for
- 25 homeless youths, attempting to pull themselves up by their
- 26 bootstraps, to rent their own apartments and end their homelessness
- 27 by their own willpower and initiative.
- 28 (g) The state should not tolerate practices that promote
- 29 homelessness among its young people. It should certainly not do
- 30 so by taking sums of money from homeless youths trying earnestly
- 31 to work and save their way out of their homelessness, when it is
- 32 the state and adults who have forced these youths into homelessness
- 33 in the first place.
- 34 (h) Moreover, crimes are often made crimes to dissuade
- 35 individuals from engaging in unwanted behavior. But, homeless

1 youths are not homeless by election. Thus, because taking money
2 from homeless youths makes it more, and not less, likely that they
3 will continue to be homeless, these practices actually encourage
4 the commission of offenses the laws are meant to dissuade, such
5 as vagrancy and loitering.

6 (i) It is therefore in the best interest of the state to discourage
7 practices that make it more difficult for youths who are homeless
8 by the hand of adults to obtain housing on their own, through their
9 own hard work, against significant odds, without exculpating them
10 from the offenses they commit.

11 SEC. 2. Section 1463.011 is added to the Penal Code, to read:

12 ~~1463.011. (a) Notwithstanding any other provision of law, an~~
13 ~~order shall not be issued for the garnishment of a bank account or~~
14 ~~the earnings of a homeless youth for failure to pay fees, fines,~~
15 ~~forfeitures, or other penalties imposed by a court due to the~~
16 ~~violation of a state or local law related to truancy, loitering, curfew~~
17 ~~violations, or illegal lodging.~~

18 ~~(b) Subdivision (a) shall not apply if it is proven, by a~~
19 ~~preponderance of the evidence, that the youth against whom the~~
20 ~~garnishment is sought does not qualify as a “homeless youth” as~~
21 ~~defined in subdivision (c).~~

22 *1463.011. (a) The court shall consider collection alternatives*
23 *to the garnishment of earnings or the placement of a levy on a*
24 *bank account for the enforcement or collection of fees, fines,*
25 *forfeitures, or other penalties imposed by a court due to the*
26 *violation of a state or local law related to truancy, loitering, curfew*
27 *violations, or illegal lodging if the court has reason to believe that*
28 *the debtor is a homeless youth.*

29 (e)

30 (b) For purposes of this section, “homeless youth” means a
31 person younger than 25 years of age who has violated a provision
32 of state or local law related to loitering, truancy, curfew, or illegal
33 lodging and who lacks a fixed, regular, adequate nighttime
34 residence. “Homeless youth” includes, but is not limited to, a
35 person who, due to loss of housing, lack of adequate alternative
36 accommodation, economic hardship, or because he or she is
37 awaiting placement in foster care, presently resides in any of the
38 following:

39 (1) The home of a person who is not his or her parent or legal
40 guardian.

- 1 (2) A motel, hotel, or campground.
- 2 (3) An emergency transitional shelter or hospital.
- 3 (4) A public or private place that is not designed or ordinarily
- 4 used for a regular sleeping accommodation for human beings,
- 5 including, but not limited to, a park or other public space, an
- 6 abandoned building, an automobile or other vehicle, or a bus or
- 7 train station.