

Assembly Bill No. 2350

CHAPTER 96

An act to amend Section 207 of the Welfare and Institutions Code, relating to juveniles.

[Approved by Governor July 15, 2010. Filed with Secretary of State July 15, 2010.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2350, Hill. Interstate Compact for Juveniles.

Existing law, the Interstate Compact for Juveniles, which has been adopted by this state, establishes an interstate commission to oversee, supervise, and coordinate the interstate movement of juveniles. Pursuant to the compact, any state statutory law that conflicts with the rules and regulations adopted by the commissioners is superseded.

Existing law generally provides that a minor who is persistently or habitually disobedient or has 4 or more trancies within one school year, as specified, or a person who was a minor when he or she violated a curfew based solely on age, is within the jurisdiction of the juvenile court. Existing law provides that a minor who comes within that description may not be held for more than 24 hours in order to locate the child's parent or guardian as soon as possible and arrange the return of the minor to his or her parent or guardian. Existing law further provides that a minor whose parent or guardian is a resident outside of the state may not be held in a secure facility for more than 24 hours, or no more than 72 hours under specified circumstances.

This bill would delete the provisions of state law regarding a minor whose parent or guardian is a resident outside of the state as described above and would instead exclude an out-of-state minor who is being held pursuant to the Interstate Compact for Juveniles from the provisions authorizing the detention of a minor for no more than 24 hours.

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

SECTION 1. Section 207 of the Welfare and Institutions Code is amended to read:

207. (a) No minor shall be detained in any jail, lockup, juvenile hall, or other secure facility who is taken into custody solely upon the ground that he or she is a person described by Section 601 or adjudged to be such or made a ward of the juvenile court solely upon that ground, except as provided in subdivision (b). If any such minor, other than a minor described in subdivision (b), is detained, he or she shall be detained in a sheltered-care

facility or crisis resolution home as provided for in Section 654, or in a nonsecure facility provided for in subdivision (a), (b), (c), or (d) of Section 727.

(b) A minor taken into custody upon the ground that he or she is a person described in Section 601, or adjudged to be a ward of the juvenile court solely upon that ground, may be held in a secure facility, other than a facility in which adults are held in secure custody, in any of the following circumstances:

(1) For up to 12 hours after having been taken into custody for the purpose of determining if there are any outstanding wants, warrants, or holds against the minor in cases where the arresting officer or probation officer has cause to believe that the wants, warrants, or holds exist.

(2) For up to 24 hours after having been taken into custody, in order to locate the minor's parent or guardian as soon as possible and to arrange the return of the minor to his or her parent or guardian, with the exception of an out-of-state runaway who is being held pursuant to the Interstate Compact for Juveniles.

(c) Any minor detained in juvenile hall pursuant to subdivision (b) may not be permitted to come or remain in contact with any person detained on the basis that he or she has been taken into custody upon the ground that he or she is a person described in Section 602 or adjudged to be such or made a ward of the juvenile court upon that ground.

(d) Minors detained in juvenile hall pursuant to Sections 601 and 602 may be held in the same facility provided they are not permitted to come or remain in contact within that facility.

(e) Every county shall keep a record of each minor detained under subdivision (b), the place and length of time of the detention, and the reasons why the detention was necessary. Every county shall report this information to the Board of Corrections on a monthly basis, on forms to be provided by that agency.

The board shall not disclose the name of the detainee, or any personally identifying information contained in reports sent to the Youth Authority under this subdivision.