

AMENDED IN ASSEMBLY APRIL 25, 2011

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1294

Introduced by Assembly Member Furutani

February 18, 2011

~~An act to add and repeal Section 3054.5 of the Penal Code, relating to parole.~~ *An act to add Article 24.7 (commencing with Section 899) to Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code, relating to juvenile reentry programs.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1294, as amended, Furutani. ~~Rebuilding Communities and Rebuilding Lives Act of 2011.~~ *Juvenile reentry programs.*

Existing law generally regulates juvenile offenders, including provisions pertaining to juveniles under the jurisdiction of county probation departments.

This bill would, to the extent funding is appropriated for its purposes, require that not more than 45 days before a youth is scheduled to be released from a facility or program operated by a county juvenile probation department, that department shall determine whether the youth is eligible for one or more community reentry programs, as specified. The bill would provide that upon a determination of eligibility, the county probation department would, not less than 20 days before release, coordinate an evaluation for enrollment and actual enrollment of the youth into a community reentry program. The bill would establish the minimum level of services to be provided by the community reentry programs.

By imposing additional burdens on local governments, 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.

~~Existing law, until January 1, 2011, required the Department of Corrections and Rehabilitation to establish a pilot program in Alameda County for parolees returning to Alameda County to conduct needs-based assessments of the individual parolees, as specified.~~

~~This bill would require the department, subject to an appropriation of funds, to establish reentry programs for parolees between 16 and 23 years of age to assist in community reintegration upon release, parole, or discharge from detention, as specified. The reentry programs would include construction training, academic services, counseling, and tracking of graduates after completion of the program. The bill would require the department to maintain statistical information related to the reentry programs, as specified. The bill would also provide that these provisions would be repealed on January 1, 2015.~~

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

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

1 SECTION 1. Article 24.7 (commencing with Section 899) is
2 added to Chapter 2 of Part 1 of Division 2 of the Welfare and
3 Institutions Code, to read:

4

5 Article 24.7. Juvenile Reentry Programs

6

7 899. (a) To the extent funding is appropriated for the purposes
8 of this article, not more than 45 days before a youth is scheduled
9 to be released from a facility or program operated by a county
10 juvenile probation department, that department shall determine
11 whether the youth is eligible for one or more community reentry
12 programs, as defined in this section. Upon a determination of

1 *eligibility, the county probation department shall, not less than 20*
2 *days before release, coordinate an evaluation for enrollment and*
3 *the actual enrollment of the youth into a community reentry*
4 *program. Enrollment and participation are subject to the approval*
5 *of each program and the youth.*

6 *(b) For purposes of this article, an “eligible youth” means a*
7 *person between 16 and 23 years of age, who is economically*
8 *disadvantaged, as defined in Section 12511 of Title 42 of the United*
9 *States Code.*

10 *(c) For purposes of this article, “community reentry program”*
11 *is defined as a program operated by a nonprofit organization or*
12 *a school district that serves youthful offenders, including those*
13 *identified as gang members, former gang members, or those whose*
14 *immediate family are members of a gang, and at minimum provide*
15 *all of the following:*

16 *(1) Integrated education and job training services and activities*
17 *on an equally divided basis, with 50 percent of the participants’*
18 *time spent in classroom-based instruction including vocational or*
19 *technical education, counseling, and leadership development*
20 *instruction, and 50 percent of the participants’ time spent in*
21 *experiential job training.*

22 *(A) The education component shall include basic skills*
23 *instruction, secondary education services, and other activities*
24 *designed to lead to the attainment of a high school diploma or its*
25 *equivalent. The curriculum for this component shall include math,*
26 *language arts, vocational education, technical education, life skills*
27 *training, social studies related to the cultural and community*
28 *history of the participants, and leadership skills.*

29 *(B) Bilingual services shall be available for individuals with*
30 *limited English proficiency, and an English learning curriculum*
31 *shall be provided where feasible and appropriate.*

32 *(C) A program shall have a goal of a minimum*
33 *teacher-to-student ratio of one teacher for every 18 students.*

34 *(D) The job training component may involve work experience*
35 *and skills training apprenticeships related to construction and*
36 *rehabilitation activities described in paragraph (4).*

37 *(2) Assistance in attaining postsecondary education and in*
38 *obtaining financial aid shall be made available to participants*
39 *prior to graduation from the program.*

1 (3) *Counseling services designed to assist participants in*
2 *positively participating in society. A program shall have a goal of*
3 *a minimum counselor-to-participant ratio of one counselor for*
4 *every 28 participants. Counseling services shall include all of the*
5 *following, as necessary:*

6 (A) *Outreach, assessment, and orientation.*

7 (B) *Individual and peer counseling.*

8 (C) *Life skills training.*

9 (D) *Drug and alcohol abuse education and prevention.*

10 (E) *Referral to appropriate drug rehabilitation, medical, mental*
11 *health, legal, housing, and other community services and resources.*

12 (4) *Acquisition, rehabilitation, acquisition and rehabilitation,*
13 *or construction of housing and related facilities to be used for the*
14 *purpose of providing home ownership for disadvantaged persons,*
15 *residential housing for homeless individuals and very low income*
16 *families, or transitional housing for persons who are homeless,*
17 *ill, deinstitutionalized, or who have disabilities or special needs.*

18 (5) *Leadership development training that provides participants*
19 *with meaningful opportunities to develop leadership skills,*
20 *including decisionmaking, problem solving, and negotiating. A*
21 *program shall encourage participants to develop strong peer group*
22 *ties that support their mutual pursuit of skills and values.*

23 (6) *Coordination with appropriate county probation personnel*
24 *to ensure that each enrolled youth complies with required*
25 *conditions.*

26 (d) *The California Emergency Management Agency may make*
27 *available to each county juvenile probation department a list of*
28 *programs that may meet the definition of “community reentry*
29 *program,” including prior awardees of relevant grant programs*
30 *administered by Cal EMA or identified by Cal EMA. Each local*
31 *juvenile probation department may also develop its own list of*
32 *eligible community reentry programs.*

33 *SEC. 2. If the Commission on State Mandates determines that*
34 *this act contains costs mandated by the state, reimbursement to*
35 *local agencies and school districts for those costs shall be made*
36 *pursuant to Part 7 (commencing with Section 17500) of Division*
37 *4 of Title 2 of the Government Code.*

38 ~~SECTION 1. Section 3054.5 is added to the Penal Code, to~~
39 ~~read:~~

1 ~~3054.5.— (a) This section shall be known as the Rebuilding~~
2 ~~Communities and Rebuilding Lives Act of 2011.~~

3 ~~(1) The Department of Corrections and Rehabilitation, to the~~
4 ~~extent funds are appropriated for the purpose of this section, shall~~
5 ~~establish a reentry program specifically targeting offenders who~~
6 ~~will be between 16 and 23 years of age upon their release, parole,~~
7 ~~or discharge from a facility or program operated by the department~~
8 ~~or a county. The department, through the Division of Juvenile~~
9 ~~Facilities, shall preenroll eligible youths into eligible community~~
10 ~~programs, as defined in this section. The department, through the~~
11 ~~Division of Juvenile Facilities, additionally shall work with~~
12 ~~counties to facilitate the preenrollment of eligible youth from~~
13 ~~county detention facilities into eligible community programs, as~~
14 ~~defined in this section. Priority shall be given to programs that~~
15 ~~have existed for at least one year prior to the effective date of this~~
16 ~~section and to those eligible community programs that have~~
17 ~~operated at any time in the previous three years.~~

18 ~~(2) Beginning January 1, 2012, the department shall identify~~
19 ~~each youth who meets the eligibility requirements of this section~~
20 ~~and is scheduled to be released, paroled, or discharged from a~~
21 ~~facility or program operated by the Division of Juvenile Facilities~~
22 ~~no later than December 31, 2012. No less than 45 days prior to the~~
23 ~~scheduled release, parole, or discharge date of an eligible youth,~~
24 ~~the department, in coordination with the Director of Employment~~
25 ~~Development and the appropriate eligible community program,~~
26 ~~shall enroll a youth in any eligible program located in a city no~~
27 ~~more than 60 miles from his or her last known address, or intended~~
28 ~~release city. Participation of an eligible youth in any eligible~~
29 ~~community program shall commence no later than 72 hours after~~
30 ~~release, parole, or discharge from a facility operated by the~~
31 ~~department. Enrollment and participation are subject to the~~
32 ~~approval of each program.~~

33 ~~(b) For purposes of this section, an “eligible community~~
34 ~~program” means, at a minimum, a program that provides all of the~~
35 ~~following:~~

36 ~~(1) Integrated education and job training services and activities~~
37 ~~on an equally divided basis, with 50 percent of participants’ time~~
38 ~~spent in classroom-based instruction, counseling, and leadership~~
39 ~~development instruction, and 50 percent of participants’ time spent~~
40 ~~in experiential job training.~~

1 (A) The education component described in this paragraph shall
2 include basic skills instruction, secondary education services, and
3 other activities designed to lead to the attainment of a high school
4 diploma or its equivalent. The curriculum for this component shall
5 include math, language arts, vocational education, life skills
6 training, social studies related to the cultural and community history
7 of the participants, and leadership skills.

8 (B) Bilingual services shall be available for individuals with
9 limited English proficiency, and an English learning curriculum
10 shall be provided where feasible and appropriate.

11 (C) A program shall have a goal of a minimum
12 teacher-to-student ratio of one teacher for every 18 students.

13 (D) The job training component described in paragraph (1) shall
14 involve work experience and skills training apprenticeships related
15 to construction and rehabilitation activities described in paragraph
16 (4).

17 (2) Assistance in attaining postsecondary education and in
18 obtaining financial aid shall be made available to participants prior
19 to graduation from the program.

20 (3) Counseling services designed to assist participants in
21 positively participating in society, including all of the following,
22 as necessary:

- 23 (A) Outreach, assessment, and orientation.
 - 24 (B) Individual and peer counseling.
 - 25 (C) Life skills training.
 - 26 (D) Drug and alcohol abuse education and prevention.
 - 27 (E) Referral to appropriate drug rehabilitation, medical, mental
28 health, legal, housing, and other community services and resources.
- 29 A program shall have a goal of a minimum counselor-to-participant
30 ratio of one counselor for every 28 participants.

31 (4) Acquisition, rehabilitation, acquisition and rehabilitation,
32 or construction of housing and related facilities to be used for the
33 purpose of providing home ownership for disadvantaged persons,
34 residential housing for homeless individuals and very low income
35 families, or transitional housing for persons who are homeless, ill,
36 deinstitutionalized, or who have disabilities or special needs.

37 (5) Leadership development training that provides participants
38 with meaningful opportunities to develop leadership skills,
39 including decisionmaking, problem solving, and negotiating. A

1 program shall encourage participants to develop strong peer group
2 ties that support their mutual pursuit of skills and values.

3 ~~(e) Each eligible community program shall work cooperatively
4 with local probation and parole offices to ensure appropriate
5 oversight of any eligible youth who enrolls and participates in the
6 program for the duration of the eligible youth's participation and
7 term of probation or parole. Eligible community programs shall
8 meet the requirements described in Article 4 (commencing with
9 Section 9800) of Chapter 2 of Part 1 of Division 3 of the
10 Unemployment Insurance Code.~~

11 ~~(d) For purposes of this section, an "eligible youth" means a
12 person between 16 and 23 years of age, who is economically
13 disadvantaged, as defined in Section 12511 of Title 42 of the
14 United States Code, and who is under the custody and control of
15 the Department of Corrections and Rehabilitation or a county on
16 or after January 1, 2012, and whose release, parole, or departure
17 date is scheduled for any date prior to January 1, 2015.~~

18 ~~(e) No more than 200 eligible youths shall be enrolled pursuant
19 to this section. Priority for enrollment shall be given to eligible
20 youths who the department has determined are gang affiliated, or
21 who have an immediate family member who has been identified
22 as gang affiliated.~~

23 ~~(f) The department shall maintain statistical information on the
24 success of this program, including, but not limited to, the number
25 of eligible youths served and the rate of return to prison for those
26 eligible youths who enroll and participate in an eligible community
27 program. This information shall be provided to the Legislature
28 upon request.~~

29 ~~(g) This section shall remain in effect only until January 1, 2015,
30 and as of that date is repealed, unless a later enacted statute, that
31 is enacted before January 1, 2015, deletes or extends that date.~~