

Assembly Bill No. 1956

CHAPTER 746

An act to amend Sections 1915 and 1916 of the Welfare and Institutions Code, relating to juveniles.

[Approved by Governor September 29, 2012. Filed with
Secretary of State September 29, 2012.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1956, Portantino. Juvenile offenders: tattoo removal.

The Youth Authority Act provides for the detention and confinement of youthful offenders by the Division of Juvenile Facilities of the Department of Corrections and Rehabilitation. Existing law establishes a pilot program requiring the Division of Juvenile Facilities to purchase 2 medical laser devices for the removal of tattoos, as specified, from eligible participants who are at-risk youth, ex-offenders, and current or former gang members, as specified. Existing law further establishes the California Voluntary Tattoo Removal Program, which serves individuals between 14 and 24 years of age, inclusive, who are in the custody of the Department of Corrections and Rehabilitation or county probation departments, who are on parole or probation, or who are in a community-based organization serving at-risk youth, through a competitive grant process, as specified.

This bill would expand these tattoo removal programs to serve individuals who were tattooed for identification in trafficking or prostitution and are in the custody of the Department of Corrections and Rehabilitation or county probation departments, who are on parole or probation, or who are in a specified community-based organization. The bill would also express the intent of the Legislature to encourage the Board of State and Community Corrections to extend current federal funding, if available, to programs serving individuals from 14 and 24 years of age, inclusive, who were tattooed for identification in trafficking or prostitution.

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

SECTION 1. Section 1915 of the Welfare and Institutions Code is amended to read:

1915. (a) The Department of Corrections and Rehabilitation, Division of Juvenile Facilities shall purchase, after a competitive bidding process, two medical devices that utilize a laser to remove a tattoo from a person's skin. The department shall determine, through a competitive bidding process, the placement of the two medical devices pursuant to the following guidelines:

(1) One of the medical devices shall be located within Los Angeles County and the other shall be located within one of the following counties: Alameda, San Francisco, San Mateo, Santa Clara, and Santa Cruz.

(2) Possible sites may include: a licensed health facility, a licensed health clinic, an educational institution, or a probation office. The department may enter into an agreement with a licensed health facility to permit the health facility to use the medical device when it is not needed for tattoo removal pursuant to this section if the health facility provides tattoo removal services pursuant to this section free of charge.

(3) The medical devices shall remain the property of the state. However, they shall be used in conjunction with the tattoo removal program pursuant to this section for the functional life of the medical devices.

(b) Candidates for tattoo removal shall be screened by community groups working collaboratively with the operators of the sites of the tattoo removal devices. A male candidate for tattoo removal shall have a tattoo on his lower arm, hand, neck, or head. A female candidate for tattoo removal shall have a tattoo that would be visible in a professional work environment. To be eligible for participation, the presence of the tattoo must be deemed to present either a threat to the personal safety of, or an obstacle to the employability of, the candidate. Priority shall be given to candidates who have a job offer that is contingent upon removal of the tattoo. At the discretion of the organization that screens a candidate, a candidate for this tattoo removal may be required to complete 20 hours of supervised public service work in order to participate in this program. Parental consent shall be required before the tattoo of any person under 18 years of age is removed.

Community groups recommended pursuant to this subdivision shall meet the following criteria:

(1) Serve at-risk youth, ex-offenders, ex-convicts, current and former gang members, or victims of trafficking and prostitution.

(2) Possess an established record of providing community-based services for at least one year to the persons described in paragraph (1).

(c) Community groups that participate in this program and the operators of the sites of the tattoo removal devices shall solicit the pro bono services of licensed health care providers to participate in the program in order to increase the number of individuals served.

(d) It is the intent of the Legislature that at least 200 tattoo removals shall be performed at each tattoo removal site in its first year of operation. After two years of operation, community groups that participate in this program and the operators of each site shall report to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities on the number of tattoo removals performed by each device and the success of the program in assisting individuals to join the workforce. By March 1, 2000, the Department of Corrections and Rehabilitation, Division of Juvenile Facilities shall report these findings to the Legislature.

(e) It is the intent of the Legislature to expand these pilot programs as rapidly as possible to other areas of the state where there is gang violence

and where there are active community-based gang violence prevention programs.

SEC. 2. Section 1916 of the Welfare and Institutions Code is amended to read:

1916. (a) The California Voluntary Tattoo Removal Program is hereby established.

(b) To the extent that funds are appropriated for this purpose, the Board of State and Community Corrections may administer the program.

(c) The program shall be designed to serve individuals between 14 and 24 years of age, who are in the custody of the Department of Corrections and Rehabilitation or county probation departments, who are on parole or probation, or who are in a community-based organization serving at-risk youth.

(d) The board shall award grants in a competitive manner and on a geographically diverse basis, serving both northern and southern California.

(e) The Division of Juvenile Facilities of the Department of Corrections and Rehabilitation, county probation departments, community-based organizations, and relevant service providers may apply for the grants authorized by this section.

(f) Funds appropriated for purposes of this section shall be limited to federal funds.

(g) Tattoo removals shall be performed by licensed clinicians who, to the extent feasible, provide their services at a discounted rate, or free of charge.

(h) Grantees shall serve individuals who have gang-related tattoos or tattoos received for identification in trafficking and prostitution that are visible in a professional environment and who are recommended for the program by Department of Corrections and Rehabilitation representatives, parole agents, county probation officers, community-based organizations, or service providers.

(i) Individuals who have gang-related tattoos or tattoos received for identification in trafficking and prostitution that may be considered unprofessional and are visible in a professional work environment, who meet the criteria of subdivision (c), and who meet any of the following criteria may be eligible for participation in the program:

(1) Are actively pursuing secondary or postsecondary education.

(2) Are seeking employment or participating in workforce training programs.

(3) Are scheduled for an upcoming job interview or job placement.

(4) Are participating in a community or public service activity.

(j) Use of funding by grantees shall be limited to the following:

(1) The removal of gang-related tattoos or tattoos received for identification in trafficking and prostitution.

(2) Maintenance or repair of tattoo removal medical devices.

(3) Contracting with licensed private providers to offer the tattoo removal service.

(k) Grantees may also seek additional federal or private funding to execute the provisions of this section, and use those funds to supplement funding received through the program.

(l) This section shall remain in effect only until January 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.

SEC. 3. It is the intent of the Legislature to encourage the Board of State and Community Corrections to extend, if available, federal Edward Byrne Memorial Justice Assistance Grant funding authorized prior to the enactment of this measure for tattoo removal programs under Sections 1915 and 1916 of the Welfare and Institutions Code to include programs serving individuals from 14 to 24 years of age, inclusive, who were tattooed for identification in trafficking or prostitution.