

AMENDED IN ASSEMBLY AUGUST 6, 2012

AMENDED IN ASSEMBLY JULY 3, 2012

AMENDED IN SENATE APRIL 17, 2012

AMENDED IN SENATE MARCH 19, 2012

**SENATE BILL**

**No. 1089**

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**Introduced by Senator Liu**

(Principal coauthor: Assembly Member Portantino)

February 15, 2012

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An act to add Section 1502.2 to the Health and Safety Code, relating to care facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1089, as amended, Liu. Alternative treatment facilities for youth.

Existing law, the California Community Care Facilities Act (the act), provides for the licensure and regulation of community care and residential facilities by the State Department of Social Services. Under existing law, a violation of any of these provisions is punishable as a misdemeanor.

This bill would define "private nontraditional alternative treatment facility for youth," for purposes of the act. The bill would prohibit a person, firm, partnership, association organization, or corporation from operating, establishing, managing, conducting, or maintaining these type of treatment facilities unless licensing provisions are met and components of the program are accredited by an approved organization, as specified. The bill would prohibit a private nontraditional alternative treatment facility for youth from using corporal punishment, as defined. By adding private nontraditional alternative treatment facilities for

youth to the act, this bill would create a new crime and 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 no reimbursement is required by this act for a specified reason.

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

*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) Youth “boot camps,” “ranch camps,” “forestry camps,” or  
4 other nontraditional treatment programs are intended to be less  
5 restrictive treatment options for children with significant behavioral  
6 issues.

7 (b) Since the 1990s, hundreds of these programs have been  
8 established nationwide, with thousands of allegations of abuse,  
9 including death.

10 (c) These programs are administered by nonprofit organizations  
11 described in Section 501(c)(3) of the Internal Revenue Code.

12 (d) These programs advertise services for youth with behavioral  
13 issues to families who may feel they have few other options.

14 (e) These boot camps are shown to utilize high-risk tactics on  
15 children, such as extreme physical exertion.

16 (f) A particularly troubling instance of neglect and abuse of  
17 power surfaced in 2011 at a youth boot camp in Pasadena,  
18 California, including allegations of kidnapping, child abuse, child  
19 endangerment, extortion, and unlawful use of a badge.

20 (g) The few boot camp-style programs for youth that operate  
21 in California do so without licensure.

22 (h) Boot camps that fail to apply for a license put children at  
23 risk.

24 (i) It is the role of the Legislature to ensure proper licensing and  
25 regulation of social service providers for the protection and care  
26 of all citizens.

27 SEC. 2. Section 1502.2 is added to the Health and Safety Code,  
28 to read:

1 1502.2. “Private nontraditional alternative treatment facility  
2 for youth” means any residential or nonresidential facility or  
3 program operated by an organization that provides aggressive  
4 nontraditional punitive, retaliatory, aversive, or military style  
5 behavioral treatment or intervention services for youth.

6 (a) No person, firm, partnership, association organization, or  
7 corporation shall operate, establish, manage, conduct, or maintain  
8 a private nontraditional alternative treatment facility for youth,  
9 unless the applicable licensing requirements are met and all  
10 components of the program are accredited by an independent  
11 nonprofit accrediting organization approved by the department,  
12 including the Commission on Accreditation of Rehabilitation  
13 International or the Joint Commission.

14 (b) Corporal punishment shall not be used in any private  
15 nontraditional alternative treatment facility for youth.

16 (c) For the purposes of this section, “corporal punishment”  
17 means willfully causing the infliction of physical pain or injury  
18 on a child through physical contact, verbal or emotional  
19 harassment, intimidation, humiliation, exploitation, or abuse.

20 (d) A resolution, bylaw, rule, ordinance, or any other act or  
21 authority permitting or authorizing the operation of a private  
22 nontraditional alternative treatment facility for youth that does not  
23 comply with this section is void and unenforceable.

24 (e) Private nontraditional alternative treatment facilities for  
25 youth do not include programs under the jurisdiction of the  
26 Department of Corrections and Rehabilitation, the Division of  
27 Juvenile Facilities, the State Department of Education,  
28 county-operated facilities or programs, *community care facilities*  
29 *as defined in Section 1502*, or a residential or nonresidential  
30 behavior program for youth with developmental disabilities that  
31 is under the jurisdiction of the State Department of Developmental  
32 Services or vendorized by a regional center pursuant to Division  
33 4.5 (commencing with Section 4500) of the Welfare and  
34 Institutions Code.

35 SEC. 3. No reimbursement is required by this act pursuant to  
36 Section 6 of Article XIII B of the California Constitution because  
37 the only costs that may be incurred by a local agency or school  
38 district will be incurred because this act creates a new crime or  
39 infraction, eliminates a crime or infraction, or changes the penalty  
40 for a crime or infraction, within the meaning of Section 17556 of

- 1 the Government Code, or changes the definition of a crime within
- 2 the meaning of Section 6 of Article XIII B of the California
- 3 Constitution.

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