

ASSEMBLY BILL

No. 36

Introduced by Assembly Member Dahle

December 3, 2012

An act to amend Section 1203.6 of the Penal Code, and to amend Section 270 of the Welfare and Institutions Code, relating to probation.

LEGISLATIVE COUNSEL'S DIGEST

AB 36, as introduced, Dahle. Probation officer: appointments.

Existing law establishes the office of the adult probation officer, and provides for the appointment and removal of the adult probation officer in each county by the court, except if otherwise provided for in a charter county.

This bill would require the board of supervisors to appoint and authorize the board to remove, for good cause, the adult probation officer. The bill would permit the courts to have input during the appointment process.

Existing law authorizes the office of probation officer be appointed by the juvenile court, upon nomination by the juvenile justice commission or the regional justice commission, unless otherwise provided in charter counties. This probation officer and his or her appointees are ex officio adult probation officers, unless the county charter provides for a separate office of adult probation officer.

This bill would require the board of supervisors to appoint the probation officer, upon nomination by the juvenile justice commission or the regional justice commission, in a manner determined by ordinance, with input by the juvenile court during the appointment process.

Existing law authorizes the probation officer to appoint deputies or assistant probation officers, subject to approval by a majority vote of the juvenile justice commission and the judge of the juvenile court, and in order for the probation officer, in his or her discretion, to terminate or revoke the appointment of the deputies or assistants, the probation officer would need the written approval of a majority of the members of the juvenile justice commission and of the judge of the juvenile court. Existing law authorizes the judge of the juvenile court to remove the probation officer for good cause shown, and the removal may take place at any time, in the judge’s discretion, with the written approval of a majority of the juvenile justice commission.

This bill would delete the requirement that the judge of the juvenile court approve the probation officer’s appointments and instead require the county board of supervisors to do so. The bill would delete the probation officer’s discretion to terminate or revoke the appointment of deputies or assistant probation officers. The bill would also delete the judge of the juvenile court and the juvenile justice commission’s authority in the removal of the probation officer, and only allow the probation officer to be removed by the county board of supervisors for good cause shown.

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

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

1 SECTION 1. Section 1203.6 of the Penal Code is amended to
 2 read:
 3 ~~1203.6. The adult probation officer shall be appointed and may~~
 4 ~~be removed for good cause in a county with two superior court~~
 5 ~~judges, by the presiding judge. In the case of a superior court of~~
 6 ~~more than two judges, a majority of the judges shall make the~~
 7 ~~appointment, and may effect removal.~~
 8 *1203.6. (a) The county board of supervisors shall appoint and*
 9 *may remove for good cause the adult probation officer. In a county*
 10 *with two superior court judges, the presiding judge shall have*
 11 *input during the appointment process of the adult probation officer.*
 12 *In a county where the superior court has more than two judges, a*
 13 *majority of the judges shall have input during the appointment*
 14 *process.*
 15 ~~The~~

1 (b) *The salary of the probation officer shall be established by*
2 *the board of supervisors.*

3 ~~The~~

4 (c) *The adult probation officer shall appoint and may remove*
5 *all assistants, deputies, and other persons employed in the officer’s*
6 *department, and their compensation shall be established, according*
7 *to the merit system or civil service system provisions of the county.*
8 *If no merit system or civil service system exists in the county, the*
9 *board of supervisors shall provide for appointment, removal, and*
10 *compensation of ~~such~~ those personnel.*

11 ~~This~~

12 (d) *This section is applicable in a charter county whose charter*
13 *establishes the office of adult probation officer and provides that*
14 *the officer shall be appointed in accordance with general law*
15 *subject to the merit system provisions of the charter.*

16 SEC. 2. Section 270 of the Welfare and Institutions Code is
17 amended to read:

18 270. (a) Except as provided in Section 69906.5 of the
19 Government Code, there shall be in each county the offices of
20 probation officer, assistant probation officer, and deputy probation
21 officer. A probation officer shall be appointed in every county.

22 ~~Probation officers in any county shall be nominated by the~~
23 ~~juvenile justice commission or regional juvenile justice commission~~
24 ~~of such county in such manner as the judge of the juvenile court~~
25 ~~in that county shall direct, and shall then be appointed by such~~
26 ~~judge.~~

27 (b) *The board of supervisors shall, by ordinance, direct the*
28 *manner in which a probation officer in any county is nominated*
29 *by the juvenile justice commission or regional justice commission*
30 *of the county. The board of supervisors shall appoint the probation*
31 *officer with the input of the judge of the juvenile court during the*
32 *appointment process.*

33 ~~The~~

34 (c) *The probation officer may appoint as many deputies or*
35 *assistant probation officers as the probation officer desires; but*
36 ~~such~~ *the deputies or assistant probation officers shall not have*
37 *authority to act until their appointments have been approved by a*
38 *majority vote of the members of the juvenile justice commission,*
39 *and by the ~~judge of the juvenile court~~ board of supervisors. The*
40 *term of office of each ~~such~~ deputy or assistant probation officer*

1 shall expire with the term of the probation officer who appointed
2 the deputy or assistant probation officer, ~~but the probation officer,~~
3 ~~with the written approval of the majority of the members of the~~
4 ~~juvenile justice commission and of the judge of the juvenile court,~~
5 ~~may, in the probation officer's discretion, revoke and terminate~~
6 ~~any such appointment at any time.~~

7 Probation

8 (d) ~~Probation~~ officers may at any time be removed by the judge
9 ~~of the juvenile court board of supervisors~~ for good cause shown;
10 and the judge of the juvenile court may in the judge's discretion
11 at any time remove any such probation officer with the written
12 approval of a majority of the members of the juvenile justice
13 commission.