

AMENDED IN SENATE AUGUST 18, 2014

AMENDED IN SENATE MAY 13, 2014

AMENDED IN ASSEMBLY MAY 24, 2013

AMENDED IN ASSEMBLY APRIL 16, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1276

Introduced by Assembly Member Bloom
(Principal coauthor: Senator Hancock)

February 22, 2013

An act to add Section 2905 to the Penal Code, relating to youth offenders.

LEGISLATIVE COUNSEL'S DIGEST

AB 1276, as amended, Bloom. Youth offenders: security placement.

Existing law begins the term of imprisonment upon the actual delivery of a defendant into the custody of the Secretary of the Department of Corrections and Rehabilitation and requires the place of reception to be an institution under the direction of the Secretary. Existing regulations require that an inmate be assigned to a facility with a security level ~~which~~ *that* corresponds to specified placement score ranges and establishes classification committees for making these determinations.

This bill would ~~prohibit a youth offender, as defined, from being classified at the security level corresponding to his or her placement score if his or her in-custody behavior indicates he or she can be safely placed at a lower security level.~~ The bill would require the department to conduct a youth offender Institutional Classification Committee review at reception to provide special classification consideration for

every youth offender. The bill would require the department to ~~house~~ *consider placing* a youth offender at a lower security level ~~facility that~~ *than* corresponds with his or her ~~placement score if the department~~ *classification score, or placing a* ~~determines that it can safely do so.~~ *youth offender in a facility that permits increased access to programs, based on the Institutional Classification Committee review and other factors, including, among others, the youth offenders recent in-custody behavior.* The bill would require the department to ~~place transfer~~ *transfer* a youth offender ~~in a housing placement that permits increased access to programs if the department determines that a youth offender is ready for that placement.~~ *to a lower security level facility if the department determines that he or she may appropriately be placed at a lower security level facility.* The bill would require that a youth offender who is denied a lower security level and is placed in the highest security level to be eligible to have his or her placement reconsidered at his or her annual review until age 25. The bill would require the department to revise existing regulations and adopt new regulations pursuant to these provisions, as necessary. *The bill would make these provisions operative July 1, 2015.*

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

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

- 1 SECTION 1. (a) The Legislature finds and declares all of the
- 2 following:
- 3 (1) As stated by the United States Supreme Court in Miller v.
- 4 Alabama (2012) 132 S.Ct. 2455, “only a relatively small proportion
- 5 of adolescents” who engage in illegal activity “develop entrenched
- 6 patterns of problem behavior,” and “developments in psychology
- 7 and brain science continue to show fundamental differences
- 8 between juvenile and adult minds,” including “parts of the brain
- 9 involved in behavior control.”
- 10 (2) Important neurological and developmental changes are
- 11 occurring in people who are in their late teens through early
- 12 adulthood. The Legislature recognizes that these factors enhance
- 13 the prospect that, as development progresses and youth mature
- 14 into adults, these individuals can become contributing members
- 15 of society.

1 (3) One purpose of incarceration is rehabilitation, and young
2 adults can be especially influenced by positive or negative models.
3 *There are often negative influences at higher custody level*
4 *facilities. In addition, younger inmates tend to be more vulnerable*
5 *to physical and sexual assault at those facilities.*

6 ~~(4) There are often negative influences at higher custody level~~
7 ~~facilities.~~ Amenable young adults incarcerated in state prisons
8 should have access to programs and living circumstances that
9 increase the likelihood of rehabilitation during these important
10 developmental stages.

11 (b) The purpose of this act is to establish a mechanism by which
12 the Department of Corrections and Rehabilitation will make
13 individual assessments of people entering prison under 22 years
14 of age and classify these individuals at lower custody level facilities
15 whenever possible.

16 SEC. 2. Section 2905 is added to the Penal Code, to read:

17 2905. (a) For purposes of this section, a “youth offender” is
18 an individual committed to the Department of Corrections and
19 Rehabilitation who is under 22 years of age.

20 (b) (1) The department shall conduct a youth offender Institution
21 Classification Committee review at reception to provide special
22 classification consideration for every youth offender. The youth
23 offender Institutional Classification Committee shall consist of
24 the staff required by department regulations at any Institutional
25 Classification Committee, however at least one member shall be
26 a department staff member specially trained in conducting the
27 reviews. Training shall include, but not be limited to, adolescent
28 and young adult development and evidence-based interviewing
29 processes employing positive and motivational techniques.

30 (2) The purpose of the youth offender Institutional Classification
31 Committee review is to meet with the youth offender and assess
32 the readiness of a youth offender for a lower security level or
33 placement permitting increased access to programs and to
34 encourage the youth offender to commit to positive change and
35 self-improvement. ~~A youth offender shall not be classified at the~~
36 ~~security level corresponding with his or her placement score if his~~
37 ~~or her in-custody behavior indicates he or she can be safely placed~~
38 ~~at a lower security level.~~

39 (c) ~~A youthful~~ youth offender shall be ~~classified~~ considered for
40 placement at a lower security level facility than corresponds with

1 his or her ~~placement~~ *classification* score or ~~in a placement in a~~
2 *facility* that permits increased access to programs based on
3 ~~consideration of all of the following factors:~~ *the Institutional*
4 *Classification Committee review and factors including, but not*
5 *limited to, the following:*

6 (1) Recent in-custody behavior while housed in juvenile or adult
7 facilities.

8 (2) Demonstrated efforts of progress toward self-improvement
9 in juvenile or adult facilities.

10 (3) Family or community ties supportive of rehabilitation.

11 (4) Evidence of commitment to working ~~towards~~ *toward*
12 self-improvement with a goal of being a law-abiding member of
13 society upon release.

14 ~~(d) The department shall transfer a youth offender to a lower~~
15 ~~security level facility if~~ *If the department determines, based on the*
16 ~~totality of the circumstances,~~ *review described in subdivisions (b)*
17 ~~and (c) that the youth offender would not increase the safety risk~~
18 ~~of the lower security level facility.~~ *may be appropriately placed*
19 *at a lower security level, the department shall transfer the youth*
20 *offender to a lower security level facility. If the youth offender is*
21 *denied a lower security level, then he or she shall be considered*
22 *for placement in a facility that permits increased access to*
23 *programs. If the department determines a youth offender is ready*
24 ~~for a housing placement~~ *may appropriately be placed in a facility*
25 *permitting increased access to programs, the youth offender shall*
26 *be transferred to that housing.* ~~If such a facility.~~

27 (e) *If the youth offender demonstrates he or she is a safety risk*
28 *to inmates, staff, or the public, and does not otherwise demonstrate*
29 *a commitment to rehabilitation, the youth offender shall be*
30 *reclassified and placed at a security level that is consistent with*
31 *department regulations and procedures.*

32 (e)

33 (f) A youth offender who at his or her initial Youth Offender
34 Institutional Classification Committee review is denied a lower
35 security level than corresponds with his or her placement score or
36 did not qualify for placement permitting increased access to
37 programs due to previous incarceration history and was placed in
38 the highest security level shall nevertheless be eligible to have his
39 or her placement reconsidered pursuant to subdivisions (b) to (d),
40 inclusive, at his or her annual review until reaching 25 years of

1 age. If at an annual review it is determined that the youth offender
2 has had no serious rule violations for one year, the department
3 shall consider whether the youth would benefit from placement in
4 a lower level facility or placement permitting increased access to
5 programs.

6 ~~(f)~~

7 (g) The department shall review and, as necessary, revise
8 existing regulations and adopt new regulations regarding
9 classification determinations made pursuant to this section, and
10 provide for training for staff.

11 (h) *This section shall become operative on July 1, 2015.*

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