

Assembly Bill No. 1276

Passed the Assembly August 27, 2014

Chief Clerk of the Assembly

Passed the Senate August 20, 2014

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2014, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1276, 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 that corresponds to specified placement score ranges and establishes classification committees for making these determinations.

This 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 consider placing a youth offender at a lower security level than corresponds with his or her classification score, or placing a 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 transfer a youth offender to a lower security level facility if the department determines, based on a specified review, that he or she may appropriately be placed at a lower security level facility. The bill would require a youth offender who is denied a lower security level, or who did not qualify for a placement permitting increased access to programs, 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.

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

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) As stated by the United States Supreme Court in *Miller v. Alabama* (2012) 132 S.Ct. 2455, “only a relatively small proportion of adolescents” who engage in illegal activity “develop entrenched patterns of problem behavior,” and “developments in psychology and brain science continue to show fundamental differences between juvenile and adult minds,” including “parts of the brain involved in behavior control.”

(2) Important neurological and developmental changes are occurring in people who are in their late teens through early adulthood. The Legislature recognizes that these factors enhance the prospect that, as development progresses and youth mature into adults, these individuals can become contributing members of society.

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

(4) Amenable young adults incarcerated in state prisons should have access to programs and living circumstances that increase the likelihood of rehabilitation during these important developmental stages.

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

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

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

(b) (1) The department shall conduct a youth offender Institution Classification Committee review at reception to provide special classification consideration for every youth offender. The youth offender Institutional Classification Committee shall consist of the staff required by department regulations at any Institutional

Classification Committee, however at least one member shall be a department staff member specially trained in conducting the reviews. Training shall include, but not be limited to, adolescent and young adult development and evidence-based interviewing processes employing positive and motivational techniques.

(2) The purpose of the youth offender Institutional Classification Committee review is to meet with the youth offender and assess the readiness of a youth offender for a lower security level or placement permitting increased access to programs and to encourage the youth offender to commit to positive change and self-improvement.

(c) A youth offender shall be considered for placement at a lower security level than corresponds with his or her classification score or placement in a facility that permits increased access to programs based on the Institutional Classification Committee review and factors including, but not limited to, the following:

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

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

(3) Family or community ties supportive of rehabilitation.

(4) Evidence of commitment to working toward self-improvement with a goal of being a law-abiding member of society upon release.

(d) If the department determines, based on the review described in subdivisions (b) and (c) that the youth offender may be appropriately placed at a lower security level, the department shall transfer the youth offender to a lower security level facility. If the youth offender is denied a lower security level, then he or she shall be considered for placement in a facility that permits increased access to programs. If the department determines a youth offender may appropriately be placed in a facility permitting increased access to programs, the youth offender shall be transferred to such a facility.

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

(f) A youth offender who at his or her initial Youth Offender Institutional Classification Committee review is denied a lower security level than corresponds with his or her placement score or did not qualify for placement permitting increased access to programs due to previous incarceration history and was placed in the highest security level shall nevertheless be eligible to have his or her placement reconsidered pursuant to subdivisions (b) to (d), inclusive, at his or her annual review until reaching 25 years of age. If at an annual review it is determined that the youth offender has had no serious rule violations for one year, the department shall consider whether the youth would benefit from placement in a lower level facility or placement permitting increased access to programs.

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

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

Approved _____, 2014

Governor