

AMENDED IN ASSEMBLY MARCH 15, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2005

Introduced by Assembly Member Ridley-Thomas

February 16, 2016

An act to amend Section ~~201~~ 730 of the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2005, as amended, Ridley-Thomas. ~~Juveniles.~~ *Juveniles: out-of-state placement.*

Existing law establishes the jurisdiction of the juvenile court, under which the juvenile court may adjudge a person who is under 18 years of age when he or she violates any law or ordinance to be a ward of the court, as specified. Existing law authorizes the court to make any reasonable orders for the care, supervision, custody, conduct, maintenance, and support of the minor who is adjudged a ward of the court. In the discretion of the court, existing law authorizes the court to order a ward to be on probation without the supervision of the probation officer. In all other cases, existing law requires the court to order the care, custody, and control of the minor to be under the supervision of a probation officer who is required to determine the appropriate placement for the ward, and authorizes the probation agency to place the minor in specified treatment settings, including the approved home of a relative or nonrelative, a foster home, or a suitable licensed community care facility. As an alternative to these types of treatments, existing law authorizes the court to commit the minor to a juvenile home, ranch, camp, or forestry camp.

This bill would prohibit the court from ordering the commitment or placement of a minor to a juvenile home, ranch, camp, or forestry camp outside of the state unless the court makes specified determinations, including that the commitment or placement is necessary to protect the health or safety of the minor and that there is not an equivalent setting available in this state.

~~Existing law provides that the purpose of the juvenile court law is to provide for the protection and safety of the public and of minors under the jurisdiction of the juvenile court. Existing law requires that minors under the jurisdiction of the juvenile court receive the care, treatment, and guidance consistent with their best interests.~~

~~This bill would make technical, nonsubstantive changes to a related provision.~~

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 730 of the Welfare and Institutions Code
2 is amended to read:
3 730. (a) ~~When~~ If a minor is adjudged a ward of the court on
4 the ground that he or she is a person described by Section 602, the
5 court may order any of the types of treatment referred to in Section
6 727, and as an additional alternative, may commit the minor to a
7 juvenile home, ranch, camp, or forestry camp. If there is no county
8 juvenile home, ranch, camp, or forestry camp within the county,
9 the court may commit the minor to the county juvenile hall.
10 (b) *Notwithstanding any other law, if a minor is adjudged a*
11 *ward of the court on the ground that he or she is a person described*
12 *by subdivision (a) of Section 602, the court shall not order for the*
13 *commitment or placement of the minor in a juvenile home, ranch,*
14 *camp, or forestry camp outside of the state unless the court makes*
15 *a determination of all of the following:*
16 (1) *The commitment or placement is necessary to protect the*
17 *health, including mental health, or safety of the minor.*
18 (2) *The commitment or placement would reduce the minor's*
19 *likelihood of reoffending.*
20 (3) *There is not an equivalent juvenile home, ranch, camp, or*
21 *forestry camp available in the state.*

22 ~~(b) When~~

1 (c) *If* a ward described in subdivision (a) is placed under the
2 supervision of the probation officer or committed to the care,
3 custody, and control of the probation officer, the court may make
4 any and all reasonable orders for the conduct of the ~~ward~~ ward,
5 including the requirement that the ward go to work and earn money
6 for the support of his or her dependents or to effect reparation and
7 in either case that the ward keep an account of his or her earnings
8 and report the same to the probation officer and apply these
9 earnings as directed by the court. The court may impose and require
10 any and all reasonable conditions that it may determine fitting and
11 proper to the end that justice may be done and the reformation and
12 rehabilitation of the ward enhanced.

13 ~~(e) When~~

14 (d) *If* a ward described in subdivision (a) is placed under the
15 supervision of the probation officer or committed to the care,
16 custody, and control of the probation officer, and is required as a
17 condition of probation to participate in community service or
18 graffiti cleanup, the court may impose a condition that if the minor
19 unreasonably fails to attend or unreasonably leaves prior to
20 completing the assigned daily hours of community service or
21 graffiti cleanup, a law enforcement officer may take the minor into
22 custody for the purpose of returning the minor to the site of the
23 community service or graffiti cleanup.

24 ~~(d) When~~

25 (e) *If* a minor is adjudged or continued as a ward of the court
26 on the ground that he or she is a person described by Section 602
27 by reason of the commission of rape, sodomy, oral copulation, or
28 an act of sexual penetration specified in Section 289 of the Penal
29 Code, the court shall order the minor to complete a sex offender
30 treatment program, if the court determines, in consultation with
31 the county probation officer, that suitable programs are available.
32 In determining what type of treatment is appropriate, the court
33 shall consider all of the following: the seriousness and
34 circumstances of the offense, the vulnerability of the victim, the
35 minor's criminal history and prior attempts at rehabilitation, the
36 sophistication of the minor, the threat to public safety, the minor's
37 likelihood of reoffending, and any other relevant information
38 presented. If ordered by the court to complete a sex offender
39 treatment program, the minor shall pay all or a portion of the

1 reasonable costs of the sex offender treatment program after a
2 determination is made of the ability of the minor to pay.

3 ~~SECTION 1. Section 201 of the Welfare and Institutions Code~~
4 ~~is amended to read:~~

5 ~~201. The provisions of this chapter, insofar as these provisions~~
6 ~~are substantially the same as existing statutory provisions relating~~
7 ~~to the same subject matter, shall be construed as restatements and~~
8 ~~continuations of those provisions, and not as new enactments.~~