

AMENDED IN ASSEMBLY AUGUST 15, 2016

AMENDED IN SENATE MAY 31, 2016

AMENDED IN SENATE MARCH 29, 2016

**SENATE BILL**

**No. 1143**

---

---

**Introduced by Senator Leno  
(Coauthor: Senator Monning)**

February 18, 2016

---

---

An act to add Section 208.3 to the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1143, as amended, Leno. Juveniles: room confinement.

Existing law permits minors who are detained in juvenile hall for habitual disobedience, truancy, or curfew violation to be held in the same facility as minors who are detained for violating any law or ordinance defining a crime, if they do not come or remain in contact with each other. Existing law also permits the detention of minors in jails and other secure facilities for the confinement of adults if the minors do not come or remain in contact with confined adults and other specified conditions are met.

Existing law, the Lanterman-Petris-Short Act, authorizes the involuntary detention for a period of 72 hours for the evaluation of a person, including a minor, who is dangerous to himself or herself or others, or gravely disabled, as defined.

This bill would, commencing January 1, 2018, place restrictions on the use of room confinement of minors or wards who are confined in a juvenile facility, as specified. The bill would require the ~~performance~~ *of placement of a minor or ward in room confinement* to be conducted

in accordance with specified guidelines. By increasing the duties of local entities in connection with local juvenile facilities, the bill would 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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. Section 208.3 is added to the Welfare and  
 2 Institutions Code, to read:  
 3 208.3. (a) For purposes of this section, the following  
 4 definitions shall apply:  
 5 (1) “Juvenile facility” includes any of the following:  
 6 (A) A juvenile hall, as described in Section 850.  
 7 (B) A juvenile camp or ranch, as described in Article 24  
 8 (commencing with Section 880).  
 9 (C) A facility of the Department of Corrections and  
 10 Rehabilitation, Division of Juvenile Facilities.  
 11 (D) A regional youth educational facility, as described in Section  
 12 894.  
 13 (E) A youth correctional center, as described in Article 9  
 14 (commencing with Section 1850) of Chapter 1 of Division 2.5.  
 15 (F) A juvenile regional facility as described in Section 5695.  
 16 (G) Any other local or state facility used for the confinement  
 17 of minors or wards.  
 18 (2) “Minor” means a person who is any of the following:  
 19 (A) A person under 18 years of age.  
 20 (B) A person under the maximum age of juvenile court  
 21 jurisdiction who is confined in a juvenile facility.  
 22 (C) A person under the jurisdiction of the Department of  
 23 Corrections and Rehabilitation, Division of Juvenile Facilities.  
 24 (3) “Room confinement” means the placement of a minor or  
 25 ward in a locked sleeping room or cell with minimal or no contact

1 with persons other than correctional facility staff and attorneys.  
2 Room confinement does not include confinement of a minor or  
3 ward in a single-person room or cell for brief periods of locked  
4 room confinement necessary for required institutional operations.

5 (4) “Ward” means a person who has been declared a ward of  
6 the court pursuant to subdivision (a) of Section 602.

7 (b) The placement of a minor or ward in room confinement shall  
8 be accomplished in accordance with the following guidelines:

9 (1) Room confinement shall not be used before other less  
10 restrictive options have been attempted and exhausted, unless  
11 attempting those options poses a threat to the safety or security of  
12 any minor, ward, or staff.

13 (2) Room confinement shall not be used for the purposes of  
14 punishment, coercion, convenience, or retaliation by staff.

15 (3) Room confinement shall not be used to the extent that it  
16 compromises the mental and physical health of the minor or ward.

17 (c) A minor or ward may be held up to four hours in room  
18 confinement. After the minor or ward has been held in room  
19 confinement for a period of four hours, staff shall do one or more  
20 of the following:

21 (1) Return the minor or ward to general population.

22 (2) Consult with mental health or medical staff.

23 (3) Develop an individualized plan that includes the goals and  
24 objectives to be met in order to reintegrate the minor or ward to  
25 general population.

26 (d) If room confinement must be extended beyond four hours,  
27 staff shall do the following:

28 (1) Document the reason for room confinement and the basis  
29 for the extension, the date and time the minor or ward was first  
30 placed in room confinement, and when he or she is eventually  
31 released from room confinement.

32 (2) Develop an individualized plan that includes the goals and  
33 objectives to be met in order to reintegrate the minor or ward to  
34 general population.

35 (3) Obtain documented authorization by the facility  
36 superintendent or his or her designee every four hours thereafter.

37 (e) This section is not intended to limit the use of single-person  
38 rooms or cells for the housing of minors or wards in juvenile  
39 facilities and does not apply to normal sleeping hours.

1 (f) This section does not apply to minors or wards in court  
2 holding facilities or adult facilities.

3 (g) Nothing in this section shall be construed to conflict with  
4 any law providing greater or additional protections to minors or  
5 wards.

6 *(h) This section does not apply during an extraordinary,  
7 emergency circumstance that requires a significant departure from  
8 normal institutional operations, including a natural disaster or  
9 facility-wide threat that poses an imminent and substantial risk of  
10 harm to multiple staff, minors, or wards. This exception shall apply  
11 for the shortest amount of time needed to address the imminent  
12 and substantial risk of harm.*

13 *(i) This section does not apply when a minor or ward is placed  
14 in a locked cell or sleep room to treat and protect against the  
15 spread of a communicable disease for the shortest amount of time  
16 required to reduce the risk of infection, with the written approval  
17 of a licensed physician or nurse practitioner, when the minor or  
18 ward is not required to be in an infirmary for an illness.  
19 Additionally, this section does not apply when a minor or ward is  
20 placed in a locked cell or sleep room for required extended care  
21 after medical treatment with the written approval of a licensed  
22 physician or nurse practitioner, when the minor or ward is not  
23 required to be in an infirmary for illness.*

24 ~~(h)~~

25 (j) This section shall become operative on January 1, 2018.

26 SEC. 2. If the Commission on State Mandates determines that  
27 this act contains costs mandated by the state, reimbursement to  
28 local agencies and school districts for those costs shall be made  
29 pursuant to Part 7 (commencing with Section 17500) of Division  
30 4 of Title 2 of the Government Code.