

AMENDED IN SENATE JULY 29, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 904

Introduced by Assembly Member ~~Vasconcellos~~ Bowler

February 22, 1995

~~An act relating to corrections, and declaring the urgency thereof, to take effect immediately. An act to amend Section 290 of, and to repeal and add Sections 207.1, 872, 885, 886.5, and 896 of, the Welfare and Institutions Code, relating to minors, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 904, as amended, ~~Vasconcellos~~ Bowler. Corrections.

~~This bill would state the intent of the Legislature to make the necessary statutory changes to implement the Budget Act of 1995 relative to the Department of Corrections.~~

(1) Existing law provides that a minor who is alleged to have committed any one of specified offenses may be detained in a jail or other secure facility for the confinement of adults if certain conditions are met, including that the adult facility has been approved by the Department of the Youth Authority as an appropriate place for the detention of minors so transferred.

This bill would delete that condition.

(2) Existing law requires the Department of the Youth Authority to conduct an annual inspection of each jail, juvenile hall, lockup, or special purpose juvenile hall used to

confine a minor for more than 24 hours. Existing law also authorizes the Department of the Youth Authority to inspect any law enforcement facility which contains a lockup for adults and which it has reason to believe may not be in compliance with specified requirements regarding the use of those facilities for the confinement of minors.

This bill would instead direct the Board of Corrections to conduct that annual inspection and would authorize the board to inspect any law enforcement facility used for the confinement of minors, as described above, as specified.

(3) Existing law requires the Department of the Youth Authority to establish a maximum population limit for each juvenile hall. Existing law also provides that when the juvenile hall of a county becomes unfit or unsafe for the detention of minors, the presiding or sole juvenile court judge may designate the juvenile hall of any county in the state for the detention of an individual minor for up to 60 days, as specified. Existing law defines the terms “unfit” and “unsafe” for purposes of this provision to include a condition in which juvenile hall is considered by the Department of the Youth Authority to be too crowded for the proper and safe detention of minors.

This bill would delete the provision requiring the Department of the Youth Authority to establish a maximum population limit for each juvenile hall and revise the definitions described above to make a conforming change.

(4) Existing law provides that the Department of the Youth Authority shall adopt and prescribe the minimum standards of construction, operation, programs of education, and training and qualifications of personnel for juvenile homes, ranches, camps, or forestry camps. Existing law requires the department to annually inspect each juvenile home, ranch, camp, or forestry camp which was used to confine a minor for more than 24 hours, and prohibits the use of those facilities that are not in compliance.

This bill deletes the latter provision and instead requires every person in charge of one of those facilities to annually certify to the Department of the Youth Authority that the facility is in conformity with the regulations adopted by the department.



(5) Existing law prohibits any juvenile home, ranch, camp, or forestry camp, as specified, from receiving or containing more than 100 children at any one time, except where the Department of the Youth Authority has approved the request of a county to receive or contain up to 125 children.

This bill would instead permit a juvenile home, ranch, camp, or forestry camp to receive or contain up to 125 children, if the county has determined that there is a consistent need for placements in these facilities which exceeds the beds available in the county and has certified to the Department of the Youth Authority that the expanded facility will continue to meet minimum standards, as specified.

(6) Existing law requires the Department of the Youth Authority to conduct an annual inspection of each regional youth educational facility and to provide notice of its findings where a facility has been found not to be in compliance with specified standards. It prohibits the confinement of minors at any facility until the conditions which rendered the facility unsuitable have been remedied.

This bill would delete these provisions and would instead require persons in charge of those facilities to certify to the Department of the Youth Authority that the facilities are in conformity with specified regulations and standards.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

- 1 ~~SECTION 1.— It is the intent of the Legislature in~~
- 2 ~~SECTION 1. Section 207.1 of the Welfare and~~
- 3 ~~Institutions Code is repealed.~~
- 4 ~~207.1. (a) No court, judge, referee, peace officer, or~~
- 5 ~~employee of a detention facility shall knowingly detain~~
- 6 ~~any minor in a jail or lockup, except as provided in~~
- 7 ~~subdivision (b) or (d).~~
- 8 ~~(b) Any minor who is alleged to have committed an~~
- 9 ~~offense described in subdivision (b), paragraph (2) of~~



1 ~~subdivision (d), or subdivision (e) of Section 707 whose~~
 2 ~~case is transferred to a court of criminal jurisdiction~~
 3 ~~pursuant to Section 707.1 after a finding is made that he~~
 4 ~~or she is not a fit and proper subject to be dealt with under~~
 5 ~~the juvenile court law, or any minor who has been~~
 6 ~~charged directly in or transferred to a court of criminal~~
 7 ~~jurisdiction pursuant to Section 707.01, may be detained~~
 8 ~~in a jail or other secure facility for the confinement of~~
 9 ~~adults, if all of the following conditions are met:~~

10 (1) ~~The juvenile court or the court of criminal~~
 11 ~~jurisdiction makes a finding that the minor's further~~
 12 ~~detention in the juvenile hall would endanger the safety~~
 13 ~~of the public or would be detrimental to the other minors~~
 14 ~~in the juvenile hall.~~

15 (2) ~~Contact between the minor and adults in the~~
 16 ~~facility is restricted in accordance with Section 208.~~

17 (3) ~~The minor is adequately supervised.~~

18 (4) ~~The adult facility has been approved by the~~
 19 ~~Department of the Youth Authority as an appropriate~~
 20 ~~place for the detention of minors so transferred.~~

21 (e) ~~A minor who is either found not to be a fit and~~
 22 ~~proper subject to be dealt with under the juvenile court~~
 23 ~~law or who will be transferred to a court of criminal~~
 24 ~~jurisdiction pursuant to Section 707.01 at the time of~~
 25 ~~transfer to a court of criminal jurisdiction or at the~~
 26 ~~conclusion of the fitness hearing, as the case may be, shall~~
 27 ~~be entitled to be released on bail or on his or her own~~
 28 ~~recognizance upon the same circumstances, terms, and~~
 29 ~~conditions as an adult who is alleged to have committed~~
 30 ~~the same offense.~~

31 (d) ~~A minor 14 years of age or older who is taken into~~
 32 ~~temporary custody by a peace officer on the basis of being~~
 33 ~~a person described by Section 602, and who, in the~~
 34 ~~reasonable belief of the peace officer, presents a serious~~
 35 ~~security risk of harm to self or others, may be securely~~
 36 ~~detained in a law enforcement facility that contains a~~
 37 ~~lockup for adults, if all of the following conditions are met:~~

38 (1) ~~The minor is held in temporary custody for the~~
 39 ~~purpose of investigating the case, facilitating release of~~



1 ~~the minor to a parent or guardian, or arranging transfer~~
2 ~~of the minor to an appropriate juvenile facility.~~

3 ~~(2) The minor is detained in the law enforcement~~
4 ~~facility for a period that does not exceed six hours except~~
5 ~~as provided in subdivision (g).~~

6 ~~(3) The minor is informed at the time he or she is~~
7 ~~securely detained of the purpose of the secure detention,~~
8 ~~of the length of time the secure detention is expected to~~
9 ~~last, and of the maximum six-hour period the secure~~
10 ~~detention is authorized to last. In the event an extension~~
11 ~~is granted pursuant to subdivision (g), the minor shall be~~
12 ~~informed of the length of time the extension is expected~~
13 ~~to last.~~

14 ~~(4) Contact between the minor and adults confined in~~
15 ~~the facility is restricted in accordance with Section 208.~~

16 ~~(5) The minor is adequately supervised.~~

17 ~~(6) A log or other written record is maintained by the~~
18 ~~law enforcement agency showing the offense which is the~~
19 ~~basis for the secure detention of the minor in the facility,~~
20 ~~the reasons and circumstances forming the basis for the~~
21 ~~decision to place the minor in secure detention, and the~~
22 ~~length of time the minor was securely detained.~~

23 ~~Any other minor who is taken into temporary custody~~
24 ~~by a peace officer on the basis that the minor is a person~~
25 ~~described by Section 602, may be taken to a law~~
26 ~~enforcement facility that contains a lockup for adults and~~
27 ~~may be held in temporary custody in the facility for the~~
28 ~~purposes of investigating the case, facilitating the release~~
29 ~~of the minor to a parent or guardian, or arranging for the~~
30 ~~transfer of the minor to an appropriate juvenile facility.~~
31 ~~However, while in the law enforcement facility, the~~
32 ~~minor may not be securely detained and shall be~~
33 ~~supervised in a manner so as to ensure that there will be~~
34 ~~no contact with adults in custody in the facility. If the~~
35 ~~minor is held in temporary, nonsecure custody within the~~
36 ~~facility, the peace officer shall exercise one of the~~
37 ~~dispositional options authorized by Sections 626 and 626.5~~
38 ~~without unnecessary delay and, in every case, within six~~
39 ~~hours.~~



1 ~~“Law enforcement facility,” as used in this subdivision,~~
2 ~~includes a police station or a sheriff’s station, but does not~~
3 ~~include a jail, as defined in subdivision (i).~~

4 ~~(e) The Department of the Youth Authority shall assist~~
5 ~~law enforcement agencies, probation departments, and~~
6 ~~courts with the implementation of this section by doing~~
7 ~~all of the following:~~

8 ~~(1) The Department of the Youth Authority shall~~
9 ~~advise each law enforcement agency, probation~~
10 ~~department, and court affected by this section as to its~~
11 ~~existence and effect.~~

12 ~~(2) The Department of the Youth Authority shall~~
13 ~~make available and, upon request, shall provide technical~~
14 ~~assistance to each governmental agency that reported the~~
15 ~~confinement of a minor in a jail or lockup in calendar year~~
16 ~~1984 or 1985. The purpose of this technical assistance is to~~
17 ~~develop alternatives to the use of jails or lockups for the~~
18 ~~confinement of minors. These alternatives may include~~
19 ~~secure or nonsecure facilities located apart from an~~
20 ~~existing jail or lockup; improved transportation or access~~
21 ~~to juvenile halls or other juvenile facilities; and other~~
22 ~~programmatic alternatives recommended by the~~
23 ~~Department of the Youth Authority. The technical~~
24 ~~assistance shall take any form the Department of the~~
25 ~~Youth Authority deems appropriate for effective~~
26 ~~compliance with this section.~~

27 ~~(f) The Department of the Youth Authority may~~
28 ~~exempt a county that does not have a juvenile hall, or may~~
29 ~~exempt an offshore law enforcement facility, from~~
30 ~~compliance with this section for a reasonable period of~~
31 ~~time, until December 1, 1992, for the purpose of allowing~~
32 ~~the county or the facility to develop alternatives to the use~~
33 ~~of jails and lockups for the confinement of minors, if all of~~
34 ~~the following conditions are met:~~

35 ~~(1) The county or the facility submits a written request~~
36 ~~to the Department of the Youth Authority for an~~
37 ~~extension of time to comply with this section.~~

38 ~~(2) The Department of the Youth Authority agrees to~~
39 ~~make available, and the county or the facility agrees to~~
40 ~~accept, technical assistance to develop alternatives to the~~



1 use of jails and lockups for the confinement of minors
2 during the period of the extension.

3 (3) The county or the facility requesting the extension
4 submits to the Department of the Youth Authority a
5 written plan for full compliance with this section by
6 September 1, 1987.

7 (g) (1) Under the limited conditions of inclement
8 weather, acts of God, or natural disasters that result in the
9 temporary unavailability of transportation, an extension
10 of the six-hour maximum period of detention set forth in
11 paragraph (2) of subdivision (d) may be granted to a
12 county by the Department of the Youth Authority. The
13 extensions may only be granted by the Department of the
14 Youth Authority on an individual, case-by-case basis. If
15 the extension is granted, the detention of minors under
16 those conditions shall not exceed the duration of the
17 special conditions, plus a period reasonably necessary to
18 accomplish transportation of the minor to a suitable
19 juvenile facility, not to exceed six hours after the
20 restoration of available transportation.

21 A county that receives an extension under this
22 paragraph shall comply with the requirements set forth
23 in subdivision (d). The county also shall provide a written
24 report to the Department of the Youth Authority that
25 specifies when the inclement weather, act of God, or
26 natural disaster ceased to exist, when transportation
27 availability was restored, and when the minor was
28 delivered to a suitable juvenile facility. In the event that
29 the minor was detained in excess of 24 hours, the
30 Department of the Youth Authority shall verify the
31 information contained in the report.

32 (2) Under the limited condition of temporary
33 unavailability of transportation, an extension of the
34 six-hour maximum period of detention set forth in
35 paragraph (2) of subdivision (d) may be granted by the
36 Department of the Youth Authority to an offshore law
37 enforcement facility. The extension may be granted only
38 by the Department of the Youth Authority on an
39 individual, case-by-case basis. If the extension is granted,
40 the detention of minors under those conditions shall



1 extend only until the next available mode of
2 transportation can be arranged.

3 An offshore law enforcement facility that receives an
4 extension under this paragraph shall comply with the
5 requirements set forth in subdivision (d). The facility also
6 shall provide a written report to the Department of the
7 Youth Authority that specifies when the next mode of
8 transportation became available, and when the minor
9 was delivered to a suitable juvenile facility. In the event
10 that the minor was detained in excess of 24 hours, the
11 Department of the Youth Authority shall verify the
12 information contained in the report.

13 (3) At least annually, the Department of the Youth
14 Authority shall review and report on extensions sought
15 and granted under this subdivision. If, upon that review,
16 the Department of the Youth Authority determines that
17 a county has sought one or more extensions resulting in
18 the excessive confinement of minors in adult facilities, or
19 that a county is engaged in a pattern and practice of
20 seeking extensions, it shall require the county to submit
21 a detailed explanation of the reasons for the extensions
22 sought and an assessment of the need for a conveniently
23 located and suitable juvenile facility. Upon receiving this
24 information, the Department of the Youth Authority shall
25 make available, and the county shall accept, technical
26 assistance for the purpose of developing suitable
27 alternatives to the confinement of minors in adult
28 lockups. Based upon the information provided by the
29 county, the Department of the Youth Authority also may
30 place limits on, or refuse to grant, future extensions
31 requested by the county under this subdivision.

32 (h) Any county that did not have a juvenile hall on
33 January 1, 1987, may establish a special purpose juvenile
34 hall, as defined by the Department of the Youth
35 Authority, for the detention of minors for a period not to
36 exceed 96 hours. Any county that had a juvenile hall on
37 January 1, 1987, also may establish, in addition to the
38 juvenile hall, a special purpose juvenile hall. The
39 Department of the Youth Authority shall prescribe
40 minimum standards for any such facility.



1 (i) (1) ~~“Jail,” as used in this chapter, means any~~
2 ~~building that contains a locked facility administered by a~~
3 ~~law enforcement or governmental agency, the purpose of~~
4 ~~which is to detain adults who have been charged with~~
5 ~~violations of criminal law and are pending trial, or to hold~~
6 ~~convicted adult criminal offenders sentenced for less~~
7 ~~than one year.~~

8 (2) ~~“Lockup,” as used in this chapter, means any~~
9 ~~locked room or secure enclosure under the control of a~~
10 ~~sheriff or other peace officer which is primarily for the~~
11 ~~temporary confinement of adults upon arrest.~~

12 (3) ~~“Offshore law enforcement facility,” as used in this~~
13 ~~section, means a sheriff’s station containing a lockup for~~
14 ~~adults that is located on an island located at least 22 miles~~
15 ~~from the California coastline.~~

16 (j) ~~Nothing in this section shall be deemed to prevent~~
17 ~~a peace officer or employee of an adult detention facility~~
18 ~~or jail from escorting a minor into the detention facility~~
19 ~~or jail for the purpose of administering an evaluation, test,~~
20 ~~or chemical test pursuant to Section 23157 of the Vehicle~~
21 ~~Code, if all of the following conditions are met:~~

22 (1) ~~The minor is taken into custody by a peace officer~~
23 ~~on the basis of being a person described by Section 602~~
24 ~~and there is no equipment for the administration of the~~
25 ~~evaluation, test, or chemical test located at a juvenile~~
26 ~~facility within a reasonable distance of the point where~~
27 ~~the minor was taken into custody.~~

28 (2) ~~The minor is not locked in a cell or room within the~~
29 ~~adult detention facility or jail, is under the continuous,~~
30 ~~personal supervision of a peace officer or employee of the~~
31 ~~detention facility or jail, and is not permitted to come in~~
32 ~~contact or remain in contact with in-custody adults.~~

33 (3) ~~The evaluation, test, or chemical test administered~~
34 ~~pursuant to Section 23157 of the Vehicle Code is~~
35 ~~performed as expeditiously as possible, so that the minor~~
36 ~~is not delayed unnecessarily within the adult detention~~
37 ~~facility or jail. Upon completion of the evaluation, test, or~~
38 ~~chemical test, the minor shall be removed from the~~
39 ~~detention facility or jail as soon as reasonably possible. No~~
40 ~~minor shall be held in custody in an adult detention~~



1 ~~facility or jail under the authority of this paragraph in~~
2 ~~excess of two hours.~~

3 ~~(k) This section shall become operative on July 1, 1995.~~

4 *SEC. 2. Section 207.1 is added to the Welfare and*
5 *Institutions Code, to read:*

6 *207.1. (a) No court, judge, referee, peace officer, or*
7 *employee of a detention facility shall knowingly detain*
8 *any minor in a jail or lockup, except as provided in*
9 *subdivision (b) or (d).*

10 *(b) Any minor who is alleged to have committed an*
11 *offense described in subdivision (b), paragraph (2) of*
12 *subdivision (d), or subdivision (e) of Section 707 whose*
13 *case is transferred to a court of criminal jurisdiction*
14 *pursuant to Section 707.1 after a finding is made that he*
15 *or she is not a fit and proper subject to be dealt with under*
16 *the juvenile court law, or any minor who has been*
17 *charged directly in or transferred to a court of criminal*
18 *jurisdiction pursuant to Section 707.01, may be detained*
19 *in a jail or other secure facility for the confinement of*
20 *adults, if all of the following conditions are met:*

21 *(1) The juvenile court or the court of criminal*
22 *jurisdiction makes a finding that the minor's further*
23 *detention in the juvenile hall would endanger the safety*
24 *of the public or would be detrimental to the other minors*
25 *in the juvenile hall.*

26 *(2) Contact between the minor and adults in the*
27 *facility is restricted in accordance with Section 208.*

28 *(3) The minor is adequately supervised.*

29 *(c) A minor who is either found not to be a fit and*
30 *proper subject to be dealt with under the juvenile court*
31 *law or who will be transferred to a court of criminal*
32 *jurisdiction pursuant to Section 707.01, at the time of*
33 *transfer to a court of criminal jurisdiction or at the*
34 *conclusion of the fitness hearing, as the case may be, shall*
35 *be entitled to be released on bail or on his or her own*
36 *recognizance upon the same circumstances, terms, and*
37 *conditions as an adult who is alleged to have committed*
38 *the same offense.*

39 *(d) A minor 14 years of age or older who is taken into*
40 *temporary custody by a peace officer on the basis of being*



1 a person described by Section 602, and who, in the
2 reasonable belief of the peace officer, presents a serious
3 security risk of harm to self or others, may be securely
4 detained in a law enforcement facility that contains a
5 lockup for adults, if all of the following conditions are met:

6 (1) The minor is held in temporary custody for the
7 purpose of investigating the case, facilitating release of
8 the minor to a parent or guardian, or arranging transfer
9 of the minor to an appropriate juvenile facility.

10 (2) The minor is detained in the law enforcement
11 facility for a period that does not exceed six hours except
12 as provided in subdivision (g).

13 (3) The minor is informed at the time he or she is
14 securely detained of the purpose of the secure detention,
15 of the length of time the secure detention is expected to
16 last, and of the maximum six-hour period the secure
17 detention is authorized to last. In the event an extension
18 is granted pursuant to subdivision (g), the minor shall be
19 informed of the length of time the extension is expected
20 to last.

21 (4) Contact between the minor and adults confined in
22 the facility is restricted in accordance with Section 208.

23 (5) The minor is adequately supervised.

24 (6) A log or other written record is maintained by the
25 law enforcement agency showing the offense which is the
26 basis for the secure detention of the minor in the facility,
27 the reasons and circumstances forming the basis for the
28 decision to place the minor in secure detention, and the
29 length of time the minor was securely detained.

30 Any other minor who is taken into temporary custody
31 by a peace officer on the basis that the minor is a person
32 described by Section 602, may be taken to a law
33 enforcement facility that contains a lockup for adults and
34 may be held in temporary custody in the facility for the
35 purposes of investigating the case, facilitating the release
36 of the minor to a parent or guardian, or arranging for the
37 transfer of the minor to an appropriate juvenile facility.
38 However, while in the law enforcement facility, the
39 minor may not be securely detained and shall be
40 supervised in a manner so as to ensure that there will be



1 *no contact with adults in custody in the facility. If the*
2 *minor is held in temporary, nonsecure custody within the*
3 *facility, the peace officer shall exercise one of the*
4 *dispositional options authorized by Sections 626 and 626.5*
5 *without unnecessary delay and, in every case, within six*
6 *hours.*

7 *“Law enforcement facility,” as used in this subdivision,*
8 *includes a police station or a sheriff’s station, but does not*
9 *include a jail, as defined in subdivision (i).*

10 *(e) The Department of the Youth Authority shall assist*
11 *law enforcement agencies, probation departments, and*
12 *courts with the implementation of this section by doing*
13 *all of the following:*

14 *(1) The Department of the Youth Authority shall*
15 *advise each law enforcement agency, probation*
16 *department, and court affected by this section as to its*
17 *existence and effect.*

18 *(2) The Department of the Youth Authority shall*
19 *make available and, upon request, shall provide technical*
20 *assistance to each governmental agency that reported the*
21 *confinement of a minor in a jail or lockup in calendar year*
22 *1984 or 1985. The purpose of this technical assistance is to*
23 *develop alternatives to the use of jails or lockups for the*
24 *confinement of minors. These alternatives may include*
25 *secure or nonsecure facilities located apart from an*
26 *existing jail or lockup; improved transportation or access*
27 *to juvenile halls or other juvenile facilities; and other*
28 *programmatically alternatives recommended by the*
29 *Department of the Youth Authority. The technical*
30 *assistance shall take any form the Department of the*
31 *Youth Authority deems appropriate for effective*
32 *compliance with this section.*

33 *(f) The Department of the Youth Authority may*
34 *exempt a county that does not have a juvenile hall, or may*
35 *exempt an offshore law enforcement facility, from*
36 *compliance with this section for a reasonable period of*
37 *time, until December 1, 1992, for the purpose of allowing*
38 *the county or the facility to develop alternatives to the use*
39 *of jails and lockups for the confinement of minors, if all of*
40 *the following conditions are met:*



1 (1) The county or the facility submits a written request
2 to the Department of the Youth Authority for an
3 extension of time to comply with this section.

4 (2) The Department of the Youth Authority agrees to
5 make available, and the county or the facility agrees to
6 accept, technical assistance to develop alternatives to the
7 use of jails and lockups for the confinement of minors
8 during the period of the extension.

9 (3) The county or the facility requesting the extension
10 submits to the Department of the Youth Authority a
11 written plan for full compliance with this section by
12 September 1, 1987.

13 (g) (1) Under the limited conditions of inclement
14 weather, acts of God, or natural disasters that result in the
15 temporary unavailability of transportation, an extension
16 of the six-hour maximum period of detention set forth in
17 paragraph (2) of subdivision (d) may be granted to a
18 county by the Department of the Youth Authority. The
19 extensions may only be granted by the Department of the
20 Youth Authority on an individual, case-by-case basis. If
21 the extension is granted, the detention of minors under
22 those conditions shall not exceed the duration of the
23 special conditions, plus a period reasonably necessary to
24 accomplish transportation of the minor to a suitable
25 juvenile facility, not to exceed six hours after the
26 restoration of available transportation.

27 A county that receives an extension under this
28 paragraph shall comply with the requirements set forth
29 in subdivision (d). The county also shall provide a written
30 report to the Department of the Youth Authority that
31 specifies when the inclement weather, act of God, or
32 natural disaster ceased to exist, when transportation
33 availability was restored, and when the minor was
34 delivered to a suitable juvenile facility. In the event that
35 the minor was detained in excess of 24 hours, the
36 Department of the Youth Authority shall verify the
37 information contained in the report.

38 (2) Under the limited condition of temporary
39 unavailability of transportation, an extension of the
40 six-hour maximum period of detention set forth in



1 paragraph (2) of subdivision (d) may be granted by the
2 Department of the Youth Authority to an offshore law
3 enforcement facility. The extension may be granted only
4 by the Department of the Youth Authority on an
5 individual, case-by-case basis. If the extension is granted,
6 the detention of minors under those conditions shall
7 extend only until the next available mode of
8 transportation can be arranged.

9 An offshore law enforcement facility that receives an
10 extension under this paragraph shall comply with the
11 requirements set forth in subdivision (d). The facility also
12 shall provide a written report to the Department of the
13 Youth Authority that specifies when the next mode of
14 transportation became available, and when the minor
15 was delivered to a suitable juvenile facility. In the event
16 that the minor was detained in excess of 24 hours, the
17 Department of the Youth Authority shall verify the
18 information contained in the report.

19 (3) At least annually, the Department of the Youth
20 Authority shall review and report on extensions sought
21 and granted under this subdivision. If, upon that review,
22 the Department of the Youth Authority determines that
23 a county has sought one or more extensions resulting in
24 the excessive confinement of minors in adult facilities, or
25 that a county is engaged in a pattern and practice of
26 seeking extensions, it shall require the county to submit
27 a detailed explanation of the reasons for the extensions
28 sought and an assessment of the need for a conveniently
29 located and suitable juvenile facility. Upon receiving this
30 information, the Department of the Youth Authority shall
31 make available, and the county shall accept, technical
32 assistance for the purpose of developing suitable
33 alternatives to the confinement of minors in adult
34 lockups. Based upon the information provided by the
35 county, the Department of the Youth Authority also may
36 place limits on, or refuse to grant, future extensions
37 requested by the county under this subdivision.

38 (h) Any county that did not have a juvenile hall on
39 January 1, 1987, may establish a special purpose juvenile
40 hall, as defined by the Department of the Youth



1 Authority, for the detention of minors for a period not to
2 exceed 96 hours. Any county that had a juvenile hall on
3 January 1, 1987, also may establish, in addition to the
4 juvenile hall, a special purpose juvenile hall. The
5 Department of the Youth Authority shall prescribe
6 minimum standards for any such facility.

7 (i) (1) "Jail," as used in this chapter, means any
8 building that contains a locked facility administered by a
9 law enforcement or governmental agency, the purpose of
10 which is to detain adults who have been charged with
11 violations of criminal law and are pending trial, or to hold
12 convicted adult criminal offenders sentenced for less
13 than one year.

14 (2) "Lockup," as used in this chapter, means any
15 locked room or secure enclosure under the control of a
16 sheriff or other peace officer which is primarily for the
17 temporary confinement of adults upon arrest.

18 (3) "Offshore law enforcement facility," as used in this
19 section, means a sheriff's station containing a lockup for
20 adults that is located on an island located at least 22 miles
21 from the California coastline.

22 (j) Nothing in this section shall be deemed to prevent
23 a peace officer or employee of an adult detention facility
24 or jail from escorting a minor into the detention facility
25 or jail for the purpose of administering an evaluation, test,
26 or chemical test pursuant to Section 23157 of the Vehicle
27 Code, if all of the following conditions are met:

28 (1) The minor is taken into custody by a peace officer
29 on the basis of being a person described by Section 602
30 and there is no equipment for the administration of the
31 evaluation, test, or chemical test located at a juvenile
32 facility within a reasonable distance of the point where
33 the minor was taken into custody.

34 (2) The minor is not locked in a cell or room within the
35 adult detention facility or jail, is under the continuous,
36 personal supervision of a peace officer or employee of the
37 detention facility or jail, and is not permitted to come in
38 contact or remain in contact with in-custody adults.

39 (3) The evaluation, test, or chemical test administered
40 pursuant to Section 23157 of the Vehicle Code is



1 *performed as expeditiously as possible, so that the minor*
2 *is not delayed unnecessarily within the adult detention*
3 *facility or jail. Upon completion of the evaluation, test, or*
4 *chemical test, the minor shall be removed from the*
5 *detention facility or jail as soon as reasonably possible. No*
6 *minor shall be held in custody in an adult detention*
7 *facility or jail under the authority of this paragraph in*
8 *excess of two hours.*

9 *SEC. 3. Section 209 of the Welfare and Institutions*
10 *Code is amended to read:*

11 209. (a) The judge of the juvenile court of a county,
12 or, if there is more than one judge, any of the judges of the
13 juvenile court shall, at least annually, inspect any jail,
14 juvenile hall, or special purpose juvenile hall which, in the
15 preceding calendar year, was used for confinement, for
16 more than 24 hours, of any minor.

17 The judge shall note in the minutes of the court
18 whether the facility is a suitable place for confinement of
19 minors.

20 The ~~Department of the Youth Authority~~ *Board of*
21 *Corrections* shall likewise conduct an annual inspection
22 of each jail, juvenile hall, lockup, or special purpose
23 juvenile hall situated in this state which, during the
24 preceding calendar year, was used for confinement, for
25 more than 24 hours, of any minor.

26 If either a judge of the juvenile court or the ~~department~~
27 *board*, after inspection of a jail, juvenile hall, special
28 purpose juvenile hall, or lockup, finds that it is not being
29 operated and maintained as a suitable place for the
30 confinement of minors, the juvenile court or the
31 ~~department~~ *board* shall give notice of its finding to all
32 persons having authority to confine minors pursuant to
33 this chapter and commencing 60 days thereafter the
34 facility shall not be used for confinement of minors until
35 the time the judge or ~~department~~ *board*, as the case may
36 be, finds, after reinspection of the facility that the
37 conditions which rendered the facility unsuitable have
38 been remedied, and the facility is a suitable place for
39 confinement of minors.



1 The custodian of each jail, juvenile hall, special purpose
2 juvenile hall, and lockup may make any reports as may be
3 requested by the ~~department~~ *board* or the juvenile court
4 to effectuate the purposes of this section.

5 (b) The ~~Department of the Youth Authority~~ *Board of*
6 *Corrections* may inspect any law enforcement facility
7 which contains a lockup for adults and which it has reason
8 to believe may not be in compliance with the
9 requirements of subdivision (d) of Section 207.1 or with
10 the certification requirements or standards adopted
11 under Section 210.2. A judge of the juvenile court shall
12 conduct an annual inspection, either in person or through
13 a delegated member of the appropriate county or
14 regional juvenile justice commission, of any law
15 enforcement facility which contains a lockup for adults
16 which, in the preceding year, was used for the secure
17 detention of any minor.

18 If either the judge or the ~~department~~ *board* finds after
19 inspection that the facility is not being operated and
20 maintained in conformity with the requirements of
21 subdivision (d) of Section 207.1 or with the certification
22 requirements or standards adopted under Section 210.2,
23 the juvenile court or the ~~department~~ *board* shall give
24 notice of its finding to all persons having authority to
25 securely detain minors in the facility, and, commencing
26 60 days thereafter, the facility shall not be used for the
27 secure detention of a minor until the time the judge or the
28 ~~department~~ *board*, as the case may be, finds, after
29 reinspection, that the conditions which rendered the
30 facility unsuitable have been remedied, and the facility is
31 a suitable place for the confinement of minors in
32 conformity with all requirements of law.

33 The custodian of each law enforcement facility which
34 contains a lockup for adults may make any report as may
35 be requested by the ~~department~~ *board* or by the juvenile
36 court to effectuate the purposes of this subdivision.

37 (c) The ~~department~~ *board* shall collect annual data on
38 the number, place, and duration of confinements of
39 minors in jails and lockups, as defined in subdivision (i)
40 of Section 207.1, and shall annually publish this



1 information in the form as it deems appropriate for the
2 purpose of providing public information on continuing
3 compliance with the requirements of Section 207.1.

4 (d) This section shall become operative on July 1, 1995.

5 *SEC. 4. Section 872 of the Welfare and Institutions*
6 *Code is repealed.*

7 ~~872. Where there is no juvenile hall in the county of~~
8 ~~residence of minors, or when the juvenile hall becomes~~
9 ~~unfit or unsafe for detention of minors, the presiding or~~
10 ~~sole juvenile court judge may, with the recommendation~~
11 ~~of the probation officer of the sending county and the~~
12 ~~consent of the probation officer of the receiving county,~~
13 ~~by written order filed with the county clerk, designate~~
14 ~~the juvenile hall of any county in the state for the~~
15 ~~detention of an individual minor for not to exceed 60 days.~~
16 ~~The court may, at any time, modify or vacate the order~~
17 ~~and shall require notice of the transfer to be given to the~~
18 ~~parent or guardian. The county of residence of a minor so~~
19 ~~transferred shall reimburse the receiving county for costs~~
20 ~~and liability as agreed upon by the two counties in~~
21 ~~connection with such order.~~

22 ~~The Department of the Youth Authority shall establish~~
23 ~~a maximum population limit for each juvenile hall in this~~
24 ~~state.~~

25 ~~As used in this section, the terms “unfit” and “unsafe”~~
26 ~~shall include a condition in which a juvenile hall is~~
27 ~~considered by the juvenile court judge, the probation~~
28 ~~officer of that county, or the Department of the Youth~~
29 ~~Authority to be too crowded for the proper and safe~~
30 ~~detention of minors.~~

31 ~~This section shall become operative on July 1, 1995.~~

32 *SEC. 5. Section 872 is added to the Welfare and*
33 *Institutions Code, to read:*

34 *872. Where there is no juvenile hall in the county of*
35 *residence of minors, or when the juvenile hall becomes*
36 *unfit or unsafe for detention of minors, the presiding or*
37 *sole juvenile court judge may, with the recommendation*
38 *of the probation officer of the sending county and the*
39 *consent of the probation officer of the receiving county,*
40 *by written order filed with the county clerk, designate*



1 *the juvenile hall of any county in the state for the*
2 *detention of an individual minor for not to exceed 60 days.*
3 *The court may, at any time, modify or vacate the order*
4 *and shall require notice of the transfer to be given to the*
5 *parent or guardian. The county of residence of a minor so*
6 *transferred shall reimburse the receiving county for costs*
7 *and liability as agreed upon by the two counties in*
8 *connection with the order.*

9 *As used in this section, the terms “unfit” and “unsafe”*
10 *shall include a condition in which a juvenile hall is*
11 *considered by the juvenile court judge or the probation*
12 *officer of that county to be too crowded for the proper*
13 *and safe detention of minors.*

14 *SEC. 6. Section 885 of the Welfare and Institutions*
15 *Code is repealed.*

16 ~~885. (a) The Department of the Youth Authority~~
17 ~~shall adopt and prescribe the minimum standards of~~
18 ~~construction, operation, programs of education, and~~
19 ~~training and qualifications of personnel for juvenile~~
20 ~~homes, ranches, camps, or forestry camps.~~

21 ~~(b) The Department of the Youth Authority shall~~
22 ~~conduct an annual inspection of each juvenile home,~~
23 ~~ranch, camp, or forestry camp situated in this state which,~~
24 ~~during the preceding calendar year, was used for~~
25 ~~confinement of any minor for more than 24 hours. If the~~
26 ~~Department of the Youth Authority, after that inspection,~~
27 ~~finds that the juvenile home, ranch, camp, or forestry~~
28 ~~camp is not in compliance with the standards adopted~~
29 ~~pursuant to subdivision (a) of this section, the~~
30 ~~Department of the Youth Authority shall give notice of its~~
31 ~~findings to all persons having authority to confine minors~~
32 ~~in these facilities and commencing 60 days thereafter the~~
33 ~~juvenile home, ranch, camp, or forestry camp shall not be~~
34 ~~used for confinement of any minor until a time that the~~
35 ~~department finds, after reinspection of the facility, that~~
36 ~~the conditions which rendered the facility unsuitable~~
37 ~~have been remedied, and the facility is a suitable place for~~
38 ~~the confinement of minors.~~

39 ~~(c) The custodian of each juvenile home, ranch, camp,~~
40 ~~or forestry camp shall make any reports that may be~~



1 ~~required by the Department of the Youth Authority to~~
2 ~~effectuate the purposes of this section.~~

3 ~~(d) This section shall become operative on July 1, 1995.~~

4 *SEC. 7. Section 885 is added to the Welfare and*
5 *Institutions Code, to read:*

6 885. (a) *The Department of the Youth Authority*
7 *shall adopt and prescribe the minimum standards of*
8 *construction, operation, programs of education, and*
9 *training and qualifications of personnel for juvenile*
10 *homes, ranches, camps, or forestry camps established*
11 *under Section 881.*

12 (b) *Every person in charge of a juvenile home, ranch,*
13 *camp, or forestry camp that, in the preceding calendar*
14 *year, was used for confinement, for more than 24 hours,*
15 *of any minor, shall certify annually to the Department of*
16 *the Youth Authority that the facility is in conformity with*
17 *the regulations adopted by the department under*
18 *subdivision (a). The department may provide forms and*
19 *instructions to local jurisdictions to facilitate compliance*
20 *with this subdivision.*

21 (c) *The custodian of each juvenile home, ranch, camp,*
22 *or forestry camp shall make any reports that may be*
23 *required by the Department of the Youth Authority to*
24 *effectuate the purposes of this section.*

25 *SEC. 8. Section 886.5 of the Welfare and Institutions*
26 *Code is repealed.*

27 ~~886.5. Notwithstanding Section 886, a juvenile home,~~
28 ~~ranch, camp, or forestry camp may receive or contain a~~
29 ~~maximum of 125 children at any one time if the county has~~
30 ~~submitted a request for approval for expanded capacity~~
31 ~~to the Department of the Youth Authority demonstrating~~
32 ~~a consistent need for juvenile home, ranch, camp, or~~
33 ~~forestry camp placements which exceeds the beds~~
34 ~~available in the county, and the department has approved~~
35 ~~that request. Any request from a county to expand the~~
36 ~~capacity of a juvenile home, ranch, camp, or forestry~~
37 ~~camp pursuant to this section shall certify that the facility~~
38 ~~to be expanded will continue to meet the minimum~~
39 ~~standards adopted and prescribed pursuant to Section 885~~
40 ~~during the period of expanded capacity. The department~~



1 ~~shall approve the request only after confirming by~~
2 ~~inspection of the facility sought to be expanded that the~~
3 ~~expansion will not result in overcrowding of structures~~
4 ~~and that the facility will comply with the minimum~~
5 ~~standards during its period of expanded capacity.~~

6 ~~This section shall become operative on July 1, 1995.~~

7 *SEC. 9. Section 886.5 is added to the Welfare and*
8 *Institutions Code, to read:*

9 *886.5. Notwithstanding Section 886, a juvenile home,*
10 *ranch, camp, or forestry camp may receive or contain a*
11 *maximum of 125 children at any one time if the county has*
12 *determined that there is a consistent need for juvenile*
13 *home, ranch, camp, or forestry camp placements which*
14 *exceeds the beds available in the county. Any county*
15 *desiring to expand the capacity of a juvenile home, ranch,*
16 *camp, or forestry camp pursuant to this section shall*
17 *certify to the Department of the Youth Authority that the*
18 *facility to be expanded will continue to meet the*
19 *minimum standards adopted and prescribed pursuant to*
20 *Section 885 during the period of expanded capacity. The*
21 *department may provide forms and instructions to local*
22 *jurisdictions to facilitate compliance with this section.*

23 *SEC. 10. Section 896 of the Welfare and Institutions*
24 *Code is repealed.*

25 ~~896. (a) The Department of the Youth Authority~~
26 ~~shall establish minimum performance standards for~~
27 ~~programs of education and training and for qualifications~~
28 ~~of personnel for all youth educational facilities in the~~
29 ~~program, including local continuation and intensive~~
30 ~~supervision components. These standards and~~
31 ~~qualifications shall be designed to achieve program goals~~
32 ~~such as an increase in the educational level of~~
33 ~~participants, better community protection and offender~~
34 ~~accountability, and preparation of participants to return~~
35 ~~to the community as responsible and productive~~
36 ~~members.~~

37 ~~(b) The Department of the Youth Authority shall~~
38 ~~conduct an initial inspection and an annual inspection~~
39 ~~thereafter of each regional youth educational facility. In~~
40 ~~addition, the Department of the Youth Authority may~~



1 ~~conduct any other inspections that it deems necessary. If~~
2 ~~the Department of the Youth Authority, after inspection,~~
3 ~~finds that a facility is not in compliance with the standards~~
4 ~~adopted pursuant to subdivision (a), the Department of~~
5 ~~the Youth Authority shall give notice of its findings to all~~
6 ~~persons having authority to confine minors in that~~
7 ~~regional facility. Commencing 60 days thereafter, that~~
8 ~~regional youth educational facility shall not be used for~~
9 ~~confinement of any minor until a time that the~~
10 ~~Department of the Youth Authority finds, after~~
11 ~~reinspection of the facility, that the conditions which~~
12 ~~rendered the facility unsuitable have been remedied and~~
13 ~~that the facility is a suitable place for the confinement of~~
14 ~~minors.~~

15 ~~(c) The custodian of each regional youth educational~~
16 ~~facility shall make any reports that may be required by~~
17 ~~the Department of the Youth Authority to effectuate the~~
18 ~~department of the purposes of this section.~~

19 ~~(d) This section shall become operative on July 1, 1995.~~

20 *SEC. 11. Section 896 is added to the Welfare and*
21 *Institutions Code, to read:*

22 *896. (a) The Department of the Youth Authority*
23 *shall establish minimum performance standards for*
24 *programs of education and training and for qualifications*
25 *of personnel for all youth educational facilities in the*
26 *program, including local continuation and intensive*
27 *supervision components. These standards and*
28 *qualifications shall be designed to achieve program goals*
29 *such as an increase in the educational level of*
30 *participants, better community protection and offender*
31 *accountability, and preparation of participants to return*
32 *to the community as responsible and productive*
33 *members.*

34 *(b) Every person in charge of a regional youth*
35 *educational facility, which, in the preceding calendar*
36 *year, was used for confinement, for more than 24 hours,*
37 *of any minor, shall certify annually to the Department of*
38 *the Youth Authority that the facility is in conformity with*
39 *the standards adopted by the department under*
40 *subdivision (a). The department may provide forms and*



1 *instructions to local jurisdictions to facilitate compliance*
2 *with this subdivision.*

3 *(c) The custodian of each regional youth educational*
4 *facility shall make any reports as may be required by the*
5 *Department of the Youth Authority to effectuate the*
6 *purposes of this section.*

7 *SEC. 12. This act is an urgency statute necessary for*
8 *the immediate preservation of the public peace, health,*
9 *or safety within the meaning of Article IV of the*
10 *Constitution and shall go into immediate effect. The facts*
11 *constituting the necessity are:*

12 *In order to realize necessary cost savings and to*
13 *expeditiously and efficiently implement the Budget Act*
14 *of 1995 with respect to the juvenile justice system of this*
15 *state, it is necessary that this act take effect immediately.*

16 ~~enacting this act to make the necessary statutory changes~~
17 ~~to implement the Budget Act of 1995 relative to the~~
18 ~~Department of Corrections.~~

19 ~~SEC. 2. This act is an urgency statute necessary for the~~
20 ~~immediate preservation of the public peace, health, or~~
21 ~~safety within the meaning of Article IV of the~~
22 ~~Constitution and shall go into immediate effect. The facts~~
23 ~~constituting the necessity are:~~

24 ~~In order to make the necessary statutory changes to~~
25 ~~implement the Budget Act of 1995 at the earliest possible~~
26 ~~time, it is necessary that this act take effect immediately.~~

