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AMENDED IN SENATE AUGUST 28, 1995

AMENDED IN SENATE JULY 15, 1995

AMENDED IN SENATE JULY 3, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 1397

Introduced by Assembly Member Poochigian
(Coauthors: Assembly Members Battin, Boland, Cannella,
Conroy, Frusetta, Granlund, Harvey, House, Rainey,
Richter, and Rogan)

(Coauthors: Senators Haynes and Johnson)

February 24, 1995

An act ~~relating to violence suppression, and to amend~~ *Section 1463.007 of the Penal Code, and to amend Sections 207, 207.1, 208.1, 210, 210.1, 210.2, 229, 727.1, 872, 885, 886.5, 896, and 1857 of the Welfare and Institutions Code, relating to corrections, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1397, as amended, Poochigian. *Corrections: fines and forfeitures, inspections of correctional facilities, and Violent Weapons Suppression Program.*

(1) Under existing law, a county or court that implements a comprehensive program to identify and collect certain fines

and forfeitures that have not been paid after 60 days from the date on which they were due and payable may deduct and deposit in the county treasury the cost of operating that program. That provision does not apply to a time payment plan.

This bill would provide that this provision does apply to a defendant who is paying through time payments if he or she is delinquent in making payments according to the agreed-upon payment schedule.

(2) Existing law requires the Department of the Youth Authority to inspect and to adopt and prescribe the minimum standards governing construction, operation, programs of education and training, and qualifications of personnel for specified juvenile correctional facilities.

This bill would transfer responsibility for these activities from the Department of the Youth Authority to the Board of Corrections. The bill would make related changes with regard to this transfer of responsibility.

(3) Existing law sets forth procedures under which the juvenile hall of any county in the state may detain a minor for not to exceed 60 days when the juvenile hall in the county of residence of the minor becomes unfit or unsafe for detention of minors. The terms “unfit” and “unsafe” include a condition in which a juvenile hall is considered by the juvenile court judge or the probation officer of that county to be too crowded for the proper and safe detention of minors.

This bill also would include within the terms “unfit” and “unsafe” a condition in which the juvenile hall is considered by the Board of Corrections to be too crowded for the proper and safe detention of minors.

(4) Existing law establishes various projects to aid in the apprehension and prosecution of criminals, including the California Career Criminal Apprehension Program and the Street Terrorism Enforcement and Prevention Act.

This bill would appropriate \$1,200,000 from the General Fund to the Department of Justice, Bureau of Narcotics Enforcement, for support of the Violent Weapons Suppression Program.

(5) The bill would declare that it is to take effect immediately as an urgency statute.



Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. *Section 1463.007 of the Penal Code is*
2 *amended to read:*

3 1463.007. Notwithstanding any other provision of law,
4 any county or court that implements or has implemented
5 a comprehensive program to identify and collect fines
6 and forfeitures which have not been paid after 60 days
7 from the date on which they were due and payable, with
8 or without warrant having been issued against the alleged
9 violator, ~~which are not being paid through time payments~~
10 and for which the base fine excluding state and county
11 penalties is at least one hundred dollars (\$100), may
12 deduct and deposit in the county treasury the cost of
13 operating that program, excluding capital expenditures,
14 from any revenues collected thereby prior to making any
15 distribution of revenues to other governmental entities
16 required by any other provision of law. *This section does*
17 *not apply to a defendant who is paying a fine or forfeiture*
18 *through time payments, unless he or she is delinquent in*
19 *making payments according to the agreed-upon payment*
20 *schedule.* For purposes of this section, a comprehensive
21 collection program ~~shall be~~ *is* a separate and distinct
22 revenue collection activity and shall include at least 10 of
23 the following components:

- 24 (a) Monthly bill statements to all debtors.
25 (b) Telephone contact with delinquent debtors to
26 apprise them of their failure to meet payment obligations.
27 (c) Issuance of warning letters to advise delinquent
28 debtors of an outstanding obligation.
29 (d) Requests for credit reports to assist in locating
30 delinquent debtors.
31 (e) Access to Employment Development
32 Department employment and wage information.
33 (f) The generation of monthly delinquent reports.
34 (g) Participation in the Franchise Tax Board's tax
35 intercept program.

1 (h) The use of Department of Motor Vehicle
2 information to locate delinquent debtors.

3 (i) The use of wage and bank account garnishments.

4 (j) The imposition of liens on real property and
5 proceeds from the sale of real property held by a title
6 company.

7 (k) The filing of objections to the inclusion of
8 outstanding fines and forfeitures in bankruptcy
9 proceedings.

10 (l) Coordination with the probation department to
11 locate debtors who may be on formal or informal
12 probation.

13 (m) The initiation of drivers' license suspension
14 actions where appropriate.

15 (n) The capability to accept credit card payments.

16 A comprehensive collection plan shall also include a
17 provision that the county shall share any debt collection
18 information acquired with state agencies entitled to
19 proceeds of restitution fines and orders.

20 Any county that exercises the authority granted in this
21 section for the purpose of enhancing its revenue
22 collections shall file an annual report of its activities with
23 the Legislature.

24 This section shall be repealed on June 30, 1997, unless
25 a later enacted statute, which is enacted before June 30,
26 1997, deletes or extends that date.

27 *SEC. 2. Section 207 of the Welfare and Institutions*
28 *Code is amended to read:*

29 207. (a) No minor shall be detained in any jail,
30 lockup, juvenile hall, or other secure facility who is taken
31 into custody solely upon the ground that he or she is a
32 person described by Section 601 or adjudged to be such
33 or made a ward of the juvenile court solely upon that
34 ground, except as provided in subdivision (b). If any such
35 minor, other than a minor described in subdivision (b),
36 is detained, he or she shall be detained in a sheltered-care
37 facility or crisis resolution home as provided for in Section
38 654, or in a nonsecure facility provided for in subdivision
39 (a), (b), (c), or (d) of Section 727.



1 (b) A minor taken into custody upon the ground that
2 he or she is a person described in Section 601, or adjudged
3 to be a ward of the juvenile court solely upon that ground,
4 may be held in a secure facility, other than a facility in
5 which adults are held in secure custody, in any of the
6 following circumstances:

7 (1) For up to 12 hours after having been taken into
8 custody for the purpose of determining if there are any
9 outstanding wants, warrants, or holds against the minor
10 in cases where the arresting officer or probation officer
11 has cause to believe that the wants, warrants, or holds
12 exist.

13 (2) For up to 24 hours after having been taken into
14 custody, in order to locate the minor's parent or guardian
15 as soon as possible and to arrange the return of the minor
16 to his or her parent or guardian.

17 (3) For up to 24 hours after having been taken into
18 custody, in order to locate the minor's parent or guardian
19 as soon as possible and to arrange the return of the minor
20 to his or her parent or guardian, whose parent or guardian
21 is a resident outside of the state wherein the minor was
22 taken into custody, except that the period may be
23 extended to no more than 72 hours when the return of the
24 minor cannot reasonably be accomplished within 24
25 hours due to the distance of the parents or guardian from
26 the county of custody, difficulty in locating the parents or
27 guardian, or difficulty in locating resources necessary to
28 provide for the return of the minor.

29 (c) Any minor detained in juvenile hall pursuant to
30 subdivision (b) may not be permitted to come or remain
31 in contact with any person detained on the basis that he
32 or she has been taken into custody upon the ground that
33 he or she is a person described in Section 602 or adjudged
34 to be such or made a ward of the juvenile court upon that
35 ground.

36 (d) Minors detained in juvenile hall pursuant to
37 Sections 601 and 602 may be held in the same facility
38 provided they are not permitted to come or remain in
39 contact within that facility.



1 (e) Every county shall keep a record of each minor
2 detained under subdivision (b), the place and length of
3 time of the detention, and the reasons why the detention
4 was necessary. Every county shall report this information
5 to the ~~Department of the Youth Authority~~ *Board of*
6 *Corrections* on a monthly basis, on forms to be provided
7 by that agency.

8 The ~~Youth Authority~~ *board* shall not disclose the name
9 of the detainee, or any personally identifying information
10 contained in reports sent to the Youth Authority under
11 this subdivision.

12 *SEC. 3. Section 207.1 of the Welfare and Institutions*
13 *Code is amended to read:*

14 207.1. (a) No court, judge, referee, peace officer, or
15 employee of a detention facility shall knowingly detain
16 any minor in a jail or lockup, except as provided in
17 subdivision (b) or (d).

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

29 (1) The juvenile court or the court of criminal
30 jurisdiction makes a finding that the minor's further
31 detention in the juvenile hall would endanger the safety
32 of the public or would be detrimental to the other minors
33 in the juvenile hall.

34 (2) Contact between the minor and adults in the
35 facility is restricted in accordance with Section 208.

36 (3) The minor is adequately supervised.

37 (c) A minor who is either found not to be a fit and
38 proper subject to be dealt with under the juvenile court
39 law or who will be transferred to a court of criminal
40 jurisdiction pursuant to Section 707.01, at the time of



1 transfer to a court of criminal jurisdiction or at the
2 conclusion of the fitness hearing, as the case may be, shall
3 be entitled to be released on bail or on his or her own
4 recognizance upon the same circumstances, terms, and
5 conditions as an adult who is alleged to have committed
6 the same offense.

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

14 (1) The minor is held in temporary custody for the
15 purpose of investigating the case, facilitating release of
16 the minor to a parent or guardian, or arranging transfer
17 of the minor to an appropriate juvenile facility.

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

21 (3) The minor is informed at the time he or she is
22 securely detained of the purpose of the secure detention,
23 of the length of time the secure detention is expected to
24 last, and of the maximum six-hour period the secure
25 detention is authorized to last. In the event an extension
26 is granted pursuant to subdivision (g), the minor shall be
27 informed of the length of time the extension is expected
28 to last.

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

31 (5) The minor is adequately supervised.

32 (6) A log or other written record is maintained by the
33 law enforcement agency showing the offense which is the
34 basis for the secure detention of the minor in the facility,
35 the reasons and circumstances forming the basis for the
36 decision to place the minor in secure detention, and the
37 length of time the minor was securely detained.

38 Any other minor who is taken into temporary custody
39 by a peace officer on the basis that the minor is a person
40 described by Section 602, may be taken to a law



1 enforcement facility that contains a lockup for adults and
2 may be held in temporary custody in the facility for the
3 purposes of investigating the case, facilitating the release
4 of the minor to a parent or guardian, or arranging for the
5 transfer of the minor to an appropriate juvenile facility.
6 However, while in the law enforcement facility, the
7 minor may not be securely detained and shall be
8 supervised in a manner so as to ensure that there will be
9 no contact with adults in custody in the facility. If the
10 minor is held in temporary, nonsecure custody within the
11 facility, the peace officer shall exercise one of the
12 dispositional options authorized by Sections 626 and 626.5
13 without unnecessary delay and, in every case, within six
14 hours.

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

18 (e) The ~~Department of the Youth Authority~~ *Board of*
19 *Corrections* shall assist law enforcement agencies,
20 probation departments, and courts with the
21 implementation of this section by doing all of the
22 following:

23 (1) The ~~Department of the Youth Authority~~ *board*
24 shall advise each law enforcement agency, probation
25 department, and court affected by this section as to its
26 existence and effect.

27 (2) The ~~Department of the Youth Authority~~ *board*
28 shall make available and, upon request, shall provide
29 technical assistance to each governmental agency that
30 reported the confinement of a minor in a jail or lockup in
31 calendar year 1984 or 1985. The purpose of this technical
32 assistance is to develop alternatives to the use of jails or
33 lockups for the confinement of minors. These alternatives
34 may include secure or nonsecure facilities located apart
35 from an existing jail or lockup; improved transportation
36 or access to juvenile halls or other juvenile facilities; and
37 other programmatic alternatives recommended by the
38 ~~Department of the Youth Authority~~ *board*. The technical
39 assistance shall take any form the ~~Department of the~~



1 ~~Youth Authority~~ board deems appropriate for effective
2 compliance with this section.

3 (f) The ~~Department of the Youth Authority Board of~~
4 ~~Corrections~~ may exempt a county that does not have a
5 juvenile hall, or may exempt an offshore law enforcement
6 facility, from compliance with this section for a
7 reasonable period of time, until December 1, 1992, for the
8 purpose of allowing the county or the facility to develop
9 alternatives to the use of jails and lockups for the
10 confinement of minors, if all of the following conditions
11 are met:

12 (1) The county or the facility submits a written request
13 to the ~~Department of the Youth Authority board~~ for an
14 extension of time to comply with this section.

15 (2) The ~~Department of the Youth Authority board~~
16 agrees to make available, and the county or the facility
17 agrees to accept, technical assistance to develop
18 alternatives to the use of jails and lockups for the
19 confinement of minors during the period of the
20 extension.

21 (3) The county or the facility requesting the extension
22 submits to the ~~Department of the Youth Authority board~~
23 a written plan for full compliance with this section by
24 September 1, 1987.

25 (g) (1) Under the limited conditions of inclement
26 weather, acts of God, or natural disasters that result in the
27 temporary unavailability of transportation, an extension
28 of the six-hour maximum period of detention set forth in
29 paragraph (2) of subdivision (d) may be granted to a
30 county by the ~~Department of the Youth Authority Board~~
31 ~~of Corrections~~. The extensions may only be granted by
32 the ~~Department of the Youth Authority board~~ on an
33 individual, case-by-case basis. If the extension is granted,
34 the detention of minors under those conditions shall not
35 exceed the duration of the special conditions, plus a
36 period reasonably necessary to accomplish transportation
37 of the minor to a suitable juvenile facility, not to exceed
38 six hours after the restoration of available transportation.

39 A county that receives an extension under this
40 paragraph shall comply with the requirements set forth



1 in subdivision (d). The county also shall provide a written
2 report to the ~~Department of the Youth Authority board~~
3 that specifies when the inclement weather, act of God, or
4 natural disaster ceased to exist, when transportation
5 availability was restored, and when the minor was
6 delivered to a suitable juvenile facility. In the event that
7 the minor was detained in excess of 24 hours, the
8 ~~Department of the Youth Authority board~~ shall verify the
9 information contained in the report.

10 (2) Under the limited condition of temporary
11 unavailability of transportation, an extension of the
12 six-hour maximum period of detention set forth in
13 paragraph (2) of subdivision (d) may be granted by the
14 ~~Department of the Youth Authority board~~ to an offshore
15 law enforcement facility. The extension may be granted
16 only by the ~~Department of the Youth Authority board~~ on
17 an individual, case-by-case basis. If the extension is
18 granted, the detention of minors under those conditions
19 shall extend only until the next available mode of
20 transportation can be arranged.

21 An offshore law enforcement facility that receives an
22 extension under this paragraph shall comply with the
23 requirements set forth in subdivision (d). The facility also
24 shall provide a written report to the ~~Department of the~~
25 ~~Youth Authority board~~ that specifies when the next mode
26 of transportation became available, and when the minor
27 was delivered to a suitable juvenile facility. In the event
28 that the minor was detained in excess of 24 hours, the
29 ~~Department of the Youth Authority board~~ shall verify the
30 information contained in the report.

31 (3) At last annually, the ~~Department of the Youth~~
32 ~~Authority board~~ shall review and report on extensions
33 sought and granted under this subdivision. If, upon that
34 review, the ~~Department of the Youth Authority board~~
35 determines that a county has sought one or more
36 extensions resulting in the excessive confinement of
37 minors in adult facilities, or that a county is engaged in a
38 pattern and practice of seeking extensions, it shall require
39 the county to submit a detailed explanation of the reasons
40 for the extensions sought and an assessment of the need



1 for a conveniently located and suitable juvenile facility.
2 Upon receiving this information, the ~~Department of the~~
3 ~~Youth Authority board~~ shall make available, and the
4 county shall accept, technical assistance for the purpose
5 of developing suitable alternatives to the confinement of
6 minors in adult lockups. Based upon the information
7 provided by the county, the ~~Department of the Youth~~
8 ~~Authority board~~ also may place limits on, or refuse to
9 grant, future extensions requested by the county under
10 this subdivision.

11 (h) Any county that did not have a juvenile hall on
12 January 1, 1987, may establish a special purpose juvenile
13 hall, as defined by the ~~Department of the Youth Authority~~
14 ~~Board of Corrections~~, for the detention of minors for a
15 period not to exceed 96 hours. Any county that had a
16 juvenile hall on January 1, 1987, also may establish, in
17 addition to the juvenile hall, a special purpose juvenile
18 hall. The ~~Department of the Youth Authority board~~ shall
19 prescribe minimum standards for any such facility.

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

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

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

35 (j) Nothing in this section shall be deemed to prevent
36 a peace officer or employee of an adult detention facility
37 or jail from escorting a minor into the detention facility
38 or jail for the purpose of administering an evaluation, test,
39 or chemical test pursuant to Section 23157 of the Vehicle
40 Code, if all of the following conditions are met:



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

7 (2) The minor is not locked in a cell or room within the
8 adult detention facility or jail, is under the continuous,
9 personal supervision of a peace officer or employee of the
10 detention facility or jail, and is not permitted to come in
11 contact or remain in contact with in-custody adults.

12 (3) The evaluation, test, or chemical test administered
13 pursuant to Section 23157 of the Vehicle Code is
14 performed as expeditiously as possible, so that the minor
15 is not delayed unnecessarily within the adult detention
16 facility or jail. Upon completion of the evaluation, test, or
17 chemical test, the minor shall be removed from the
18 detention facility or jail as soon as reasonably possible. No
19 minor shall be held in custody in an adult detention
20 facility or jail under the authority of this paragraph in
21 excess of two hours.

22 *SEC. 4. Section 208.1 of the Welfare and Institutions*
23 *Code is amended to read:*

24 208.1. (a) It is the intent of the Legislature that
25 counties lacking adequate secure juvenile facilities
26 should develop additional facilities rather than using the
27 county jail or another adult facility to confine minors
28 considered to be security risks pending criminal court
29 proceedings for violent felonies. Therefore, counties are
30 encouraged to establish local or regional secure juvenile
31 facilities or to contract with other counties to confine
32 minors charged with serious and violent crimes who are
33 considered too dangerous for presently available juvenile
34 facilities. This section is intended to provide interim
35 relief, pending the development of additional secure
36 juvenile confinement capacity, by authorizing the
37 confinement of certain minors in adult facilities under
38 controlled conditions, notwithstanding the provisions of
39 Section 208.



1 (b) A minor 16 years of age or older who is alleged to
2 have committed any violent felony as defined in
3 subdivision (c) of Section 667.5 of the Penal Code or any
4 offense proscribed by subdivision (b) of Section 871 and
5 whose case has been transferred to the jurisdiction of the
6 criminal court under the authority of Section 707.1 may
7 be delivered into the custody of the sheriff and may be
8 detained in a jail or other secure facility for the
9 confinement of adults under the conditions described in
10 subdivision (c) if all of the following requirements are
11 met:

12 (1) During or after the fitness hearing, the juvenile
13 court judge finds the following:

14 (A) The minor's further detention in the juvenile hall
15 endangers the public, the staff, or other minors in the
16 juvenile hall.

17 (B) The minor will receive adequate care and
18 protection in the jail or adult facility.

19 (C) No other juvenile facility, including a facility in a
20 nearby county or a Youth Authority facility, is available,
21 suitable, or feasible given all of the circumstances.

22 (2) The judge notes on the record and in the order of
23 transfer that the minor is transferred pursuant to this
24 section and that the minor may be detained by the sheriff
25 in an adult facility, as provided in subdivision (c).

26 (3) The order transferring the minor to the custody of
27 the sheriff under this section is periodically reviewed by
28 the juvenile court in accordance with the provisions of
29 subdivision (d).

30 (4) The sheriff has agreed, on a case-by-case basis, to
31 accept transfer of the minor to a jail or secure facility
32 under his or her control.

33 (c) A minor delivered to the custody of the sheriff
34 under this section may be allowed to come or remain in
35 contact with adults in the jail or secure adult facility, if all
36 of the following requirements are met:

37 (1) No minor transferred to the custody of the sheriff
38 under this section may be placed in the same cell with an
39 adult prisoner unless no other cell or living arrangement
40 within the jail or secure adult facility is available.



1 (2) The sheriff accepting the transfer of the minor
2 shall provide for the protection of the minor within the
3 jail or secure adult facility in accordance with a written
4 classification procedure that takes into account the age,
5 maturity, and potential vulnerability of minors who may
6 come into contact with adults within the facility.

7 (3) If a minor is placed in the same cell with an adult,
8 the minor shall be supervised in a manner that assures his
9 or her safety and protection from physical or sexual
10 assault or other predatory behavior by any adult within
11 the facility. Supervision shall include personal and
12 continuous visual observation of the minor when
13 necessary to provide for the minor's safety and
14 protection.

15 (d) In any case in which a minor has been transferred
16 to the custody of the sheriff under this section, the
17 juvenile court shall retain jurisdiction for the purpose of
18 periodic review of the order of transfer of custody to the
19 sheriff. The juvenile court shall periodically, but not less
20 frequently than every 45 days, review the order of
21 transfer of custody. At any review, the judge shall
22 consider information that may be provided by the
23 probation officer, the sheriff, the minor, or the minor's
24 attorney, as well as other information deemed relevant by
25 the judge, on the issue of the appropriateness of the
26 minor's continued confinement in the jail or adult facility.
27 The minor shall be returned to a juvenile facility unless
28 the judge determines, based on the review, that there is
29 good cause to continue the confinement of the minor in
30 the adult jail or secure adult facility under the conditions
31 described in subdivision (c). Either the minor, personally
32 or by counsel, or the sheriff shall be entitled to have a
33 review conducted in the form of a hearing at which he or
34 she may present evidence on the issue of whether the jail
35 or secure adult facility is an appropriate place for the
36 continued confinement of the minor under the
37 conditions described in subdivision (c).

38 (e) No minor shall be transferred to a jail or secure
39 adult facility under this section due to a lack of adequate
40 staff at the juvenile facility. For purposes of this



1 subdivision, “adequate staff” means compliance with
2 staffing ratios established by the ~~Department of the~~
3 ~~Youth Authority~~ *Board of Corrections*.

4 (f) Detention in a jail or other secure adult facility as
5 authorized by this section shall not occur prior to the
6 filing of a criminal complaint.

7 (g) A sheriff who controls a jail or adult facility to
8 which a minor is transferred under this section shall
9 report to the Board of Corrections any injury, sexual
10 assault, or death that occurs to the minor within the jail
11 or adult facility, including self-inflicted injury or suicide.
12 The report shall describe the injury, sexual assault, or
13 death and the surrounding circumstances and shall be
14 made in writing to the Board of Corrections within 10
15 days of the occurrence of the injury, assault, or death.

16 (h) This section shall remain in effect only until
17 January 1, 1998, and as of that date is repealed, unless a
18 later enacted statute, which is enacted before January 1,
19 1998, deletes or extends that date.

20 *SEC. 5. Section 210 of the Welfare and Institutions*
21 *Code is amended to read:*

22 210. The ~~Youth Authority~~ *Board of Corrections* shall
23 adopt minimum standards for the operation and
24 maintenance of juvenile halls for the confinement of
25 minors.

26 Any violation of such standards shall render a juvenile
27 hall unsuitable for the confinement of minors for
28 purposes of Section 209.

29 *SEC. 6. Section 210.1 of the Welfare and Institutions*
30 *Code is amended to read:*

31 210.1. The ~~Youth Authority~~ *Board of Corrections* shall
32 develop guidelines for the operation and maintenance of
33 nonsecure placement facilities for persons alleged or
34 found to be persons coming within the terms of Section
35 601 or 602.

36 *SEC. 7. Section 210.2 of the Welfare and Institutions*
37 *Code is amended to read:*

38 210.2. (a) The ~~Department of the Youth Authority~~
39 *Board of Corrections* shall adopt regulations establishing
40 standards for law enforcement facilities which contain



1 lockups for adults and which are used for the temporary,
2 secure detention of minors upon arrest under subdivision
3 (d) of Section 207.1. The standards shall identify
4 appropriate conditions of confinement for minors in law
5 enforcement facilities, including standards for places
6 within a police station or sheriff's station where minors
7 may be securely detained; standards regulating contact
8 between minors and adults in custody in lockup, booking,
9 or common areas; standards for the supervision of minors
10 securely detained in these facilities; and any other related
11 standard as the ~~department~~ *board* deems appropriate to
12 effectuate compliance with subdivision (d) of Section
13 207.1.

14 (b) Every person in charge of a law enforcement
15 facility which contains a lockup for adults and which is
16 used in any calendar year for the secure detention of any
17 minor shall certify annually that the facility is in
18 conformity with the regulations adopted by the
19 ~~department~~ *board* under subdivision (a). The
20 certification shall be endorsed by the sheriff or chief of
21 police of the jurisdiction in which the facility is located
22 and shall be forwarded to and maintained by the
23 ~~department~~ *board*. The ~~department~~ *board* may provide
24 forms and instructions to local jurisdictions to facilitate
25 compliance with this requirement.

26 *SEC. 8. Section 229 of the Welfare and Institutions*
27 *Code is amended to read:*

28 229. It shall be the duty of a juvenile justice
29 commission to inquire into the administration of the
30 juvenile court law in the county or region in which the
31 commission serves. For this purpose the commission shall
32 have access to all publicly administered institutions
33 authorized or whose use is authorized by this chapter
34 situated in the county or region, shall inspect such
35 institutions no less frequently than once a year, and may
36 hold hearings. A judge of the juvenile court shall have the
37 power to issue subpoenas requiring attendance and
38 testimony of witnesses and production of papers at
39 hearings of the commission.



1 A juvenile justice commission shall annually inspect
2 any jail or lockup within the county which in the
3 preceding calendar year was used for confinement for
4 more than 24 hours of any minor. It shall report the results
5 of such inspection together with its recommendations
6 based thereon, in writing, to the juvenile court and to the
7 ~~Youth Authority~~ *Board of Corrections*.

8 *SEC. 9. Section 727.1 of the Welfare and Institutions*
9 *Code is amended to read:*

10 727.1. (a) Unless otherwise authorized by law, the
11 court may not order the placement of a minor who is
12 adjudged a ward of the court on the basis that he or she
13 is a person described by either Section 601 or 602 in a
14 private residential facility or program that provides
15 24-hour supervision, outside of the state, unless the court
16 finds, in its order of placement, that both of the following
17 conditions are met:

18 (1) In-state facilities or programs have been
19 determined to be unavailable or inadequate to meet the
20 needs of the minor.

21 (2) The out-of-state residential facility or program is
22 licensed for the placement of minors by an agency of the
23 state or states in which the minor will be placed or
24 operates under and is inspected pursuant to standards
25 comparable to those developed by the ~~Youth Authority~~
26 *Board of Corrections* for similar facilities or programs.

27 (b) The court shall review each of these placements
28 for compliance with the requirements of subdivision (a)
29 at least once a year.

30 *SEC. 10. Section 872 of the Welfare and Institutions*
31 *Code is amended to read:*

32 872. Where there is no juvenile hall in the county of
33 residence of minors, or when the juvenile hall becomes
34 unfit or unsafe for detention of minors, the presiding or
35 sole juvenile court judge may, with the recommendation
36 of the probation officer of the sending county and the
37 consent of the probation officer of the receiving county,
38 by written order filed with the county clerk, designate
39 the juvenile hall of any county in the state for the
40 detention of an individual minor for not to exceed 60 days.



1 The court may, at any time, modify or vacate the order
2 and shall require notice of the transfer to be given to the
3 parent or guardian. The county of residence of a minor so
4 transferred shall reimburse the receiving county for costs
5 and liability as agreed upon by the two counties in
6 connection with the order.

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

12 *SEC. 11. Section 885 of the Welfare and Institutions*
13 *Code, as added by Section 31 of Chapter 695 of the*
14 *Statutes of 1992, is amended to read:*

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

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

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

4 *SEC. 12. Section 885 of the Welfare and Institutions*
5 *Code, as added by Section 7 of Chapter 304 of the Statutes*
6 *of 1995, is amended to read:*

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

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

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

27 *SEC. 13. Section 886.5 of the Welfare and Institutions*
28 *Code is amended to read:*

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



1 expanded capacity. The ~~department~~ *board* may provide
2 forms and instructions to local jurisdictions to facilitate
3 compliance with this section.

4 *SEC. 14. Section 896 of the Welfare and Institutions*
5 *Code is amended to read:*

6 896. (a) The ~~Department of the Youth Authority~~
7 *Board of Corrections* shall establish minimum
8 performance standards for programs of education and
9 training and for qualifications of personnel for all youth
10 educational facilities in the program, including local
11 continuation and intensive supervision components.
12 These standards and qualifications shall be designed to
13 achieve program goals such as an increase in the
14 educational level of participants, better community
15 protection and offender accountability, and preparation
16 of participants to return to the community as responsible
17 and productive members.

18 (b) Every person in charge of a regional youth
19 educational facility, which, in the preceding calendar
20 year, was used for confinement, for more than 24 hours,
21 of any minor, shall certify annually to the ~~Department of~~
22 ~~the Youth Authority~~ *board* that the facility is in
23 conformity with the standards adopted by the
24 ~~department~~ *board* under subdivision (a). The
25 ~~department~~ *board* may provide forms and instructions to
26 local jurisdictions to facilitate compliance with this
27 subdivision.

28 (c) The custodian of each regional youth educational
29 facility shall make any reports as may be required by the
30 ~~Department of the Youth Authority~~ *board* to effectuate
31 the purposes of this section.

32 *SEC. 15. Section 1857 of the Welfare and Institutions*
33 *Code is amended to read:*

34 1857. The ~~Youth Authority~~ *Board of Corrections* shall
35 adopt and prescribe the minimum standards of
36 construction, operation, programs of education or
37 rehabilitative training or treatment, and qualifications of
38 personnel for youth correctional centers established
39 pursuant to this article. No county establishing or
40 conducting such a youth correctional center shall be



1 entitled to receive any state funds provided for in this
2 article unless and until the minimum standards and
3 qualifications referred to in this section are complied with
4 by such county.

5 *SEC. 16.* The sum of one million two hundred
6 thousand dollars (\$1,200,000) is hereby appropriated
7 from the General Fund to the Department of Justice,
8 Bureau of Narcotics Enforcement, in augmentation of
9 Item 0820-001-001 of the Budget Act of 1995 for support
10 of the Violent Weapons Suppression Program.

11 *SEC. 17.* *This act is an urgency statute necessary for*
12 *the immediate preservation of the public peace, health,*
13 *or safety within the meaning of Article IV of the*
14 *Constitution and shall go into immediate effect. The facts*
15 *constituting the necessity are:*

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

