

AMENDED IN ASSEMBLY MAY 2, 1996
AMENDED IN ASSEMBLY APRIL 17, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 2564

Introduced by Assembly Member Goldsmith

February 21, 1996

An act to amend Section 729.10 of, and to add Section 729.12 to, the Welfare and Institutions Code, relating to juveniles; ~~and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2564, as amended, Goldsmith. Juveniles: drug or

program by expanding the duties of local officials under an existing program.

The bill would also establish, contingent upon state funding, an Assessment, Orientation, and Volunteer Mentor Pilot Program in San Diego County, as specified, regarding drug and alcohol use and abuse by minors declared to be wards of the juvenile court in that county. ~~The bill would appropriate \$400,000 to the County of San Diego from the General Fund for purposes of the pilot program.~~

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. Section 729.10 of the Welfare and
2 Institutions Code is amended to read:
3 729.10. (a) Whenever, in any county specified in
4 subdivision (b), a judge of a juvenile court or referee of
5 a juvenile court finds a minor to be a person described in
6 Section 602 by reason of the commission of an offense
7 involving the unlawful possession, use, sale, or other
8 furnishing of a controlled substance, as defined in
9 Chapter 2 (commencing with Section 11053) of Division
10 10 of the Health and Safety Code, or for violating
11 subdivision (f) of Section 647 of the Penal Code, or
12 Section 25662 of the Business and Professions Code, the
13 minor shall be required to participate in, and successfully



1 complete, an alcohol or drug education program, or both
2 of those programs, as designated by the court.

3 Whenever, in a county specified in subdivision (b), a
4 judge of a juvenile court or referee of a juvenile court
5 finds a minor to be a person described in Section 601 or
6 602 for any other reason, the minor may be required to
7 participate in, and successfully complete, an alcohol or
8 drug education program, or both of those programs, as
9 designated by the court, and as a condition of probation,
10 the court may require each minor to submit to random
11 drug or alcohol testing, or both.

12 The expense of the person's attendance in the program
13 shall be paid by the person's parents or guardian so long
14 as the person is under the age of 18 years, and shall be paid
15 by the person thereafter. The court shall consider the
16 financial capacity of the person, or the person's parents
17 or guardian, to pay the expense of the person's
18 attendance in the program, and is authorized to waive all
19 or part of the payment of the fee upon a finding of
20 insufficient financial capacity to incur the cost of the fee.
21 However, in approving the program, each county shall
22 require the program to provide for the payment of the fee
23 for the program in installments by any person who cannot
24 afford to pay the full fee at the commencement of the
25 program because of the person's income, earning
26 capacity, or financial resources, and shall require the
27 program to provide for the waiver of the fee for any
28 person who is indigent, as determined by criteria for
29 indigency established by the board of supervisors.
30 Whenever it can be done without substantial additional
31 cost, each county shall require that the program be
32 provided for juveniles at a separate location from, or at a
33 different time of day than, alcohol and drug education
34 programs for adults.

35 (b) This section applies only in those counties that
36 have one or more alcohol or drug education programs
37 certified by the county alcohol program administrator
38 and approved by the board of supervisors.

39 SEC. 2. Section 729.12 is added to the Welfare and
40 Institutions Code, to read:



1 729.12. (a) It is the intent of the Legislature to
2 operate an Assessment, Orientation, and Volunteer
3 Mentor Pilot Program in San Diego County. The pilot
4 project will operate under the authority of the county
5 Alcohol and Drug Program Administrator in conjunction
6 with the San Diego Juvenile Court and County of San
7 Diego Probation Department.

8 (b) Whenever a judge of the San Diego County
9 juvenile court or a referee of the San Diego juvenile court
10 finds a minor to be a person described in Section 601 or
11 602 for any reason, the minor shall be assessed and
12 screened for drug and alcohol use and abuse; and if the
13 assessment and screening determines the need for drug
14 and alcohol education and intervention, the minor shall
15 be required to participate and successfully complete an
16 alcohol and drug orientation and arrange for appropriate
17 referral for follow up with a local community-based
18 service provider.

19 (c) The Assessment, Orientation, and Volunteer
20 Mentor Pilot Program shall operate for a minimum of
21 three years and shall screen and assess for drug and
22 alcohol problems, minors who are declared wards of San
23 Diego Juvenile Court.

24 (d) Drug and alcohol assessments shall be conducted
25 utilizing a standardized instrument that shall be
26 approved by the county Alcohol and Drug Program
27 Administrator in conjunction with San Diego Juvenile
28 Court and the San Diego County Probation Department.

29 (e) Those minors who are determined to have drug
30 and alcohol problems, shall be required to participate in,
31 and successfully complete, a drug and alcohol orientation.
32 The orientation shall provide drug and alcohol education
33 and intervention, referral to community resources for
34 follow up education and intervention and arrange for
35 volunteers to serve as mentors to assist each minor in
36 addressing their drug and alcohol problem. Parents or
37 guardians of minors will have the opportunity to
38 participate in the orientation program in order to help
39 juveniles address drug and alcohol use or abuse problems.



1 (f) As a condition of probation, each minor shall be
2 required to submit to drug testing. Drug testing shall be
3 conducted on a random basis by a qualified drug and
4 alcohol service provider in coordination with the county
5 probation department. All contested drug tests shall be
6 confirmed by a National Institute for Drug Abuse
7 certified drug laboratory and the findings shall be
8 reported to the probation officer for appropriate action.
9 The drug testing protocol shall be approved by the county
10 Alcohol and Drug Program Administrator in conjunction
11 with San Diego Juvenile Court and the County of San
12 Diego Probation Department.

13 (g) An evaluation of the pilot program shall be
14 conducted and results of the program shall be submitted
15 to state alcohol and drug programs and to the Legislature
16 at the conclusion of the pilot program.

17 (h) The implementation of this pilot program shall be
18 contingent upon the appropriation of funds by the state
19 to the County of San Diego for the pilot program.

20 ~~SEC. 3. There is hereby appropriated from the~~
21 ~~General Fund to San Diego County for implementation~~
22 ~~of the pilot program established by Section 2 of this act the~~
23 ~~sum of four hundred thousand dollars (\$400,000).~~

24 ~~SEC. 4.—~~

25 *SEC. 3.* Notwithstanding Section 17610 of the
26 Government Code, if the Commission on State Mandates
27 determines that this act contains costs mandated by the
28 state, reimbursement to local agencies and school
29 districts for those costs shall be made pursuant to Part 7
30 (commencing with Section 17500) of Division 4 of Title
31 2 of the Government Code. If the statewide cost of the
32 claim for reimbursement does not exceed one million
33 dollars (\$1,000,000), reimbursement shall be made from
34 the State Mandates Claims Fund.

35 Notwithstanding Section 17580 of the Government
36 Code, unless otherwise specified, the provisions of this act
37 shall become operative on the same date that the act
38 takes effect pursuant to the California Constitution.

