

AMENDED IN ASSEMBLY APRIL 5, 2000  
AMENDED IN ASSEMBLY MARCH 23, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1913**

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**Introduced by Assembly Members Cardenas, Cedillo, Correa,  
Firebaugh, Havice, Longville, Runner, Vincent, and Wright**  
and Senators Hughes and Murray  
(Coauthor: Senator Polanco)

February 11, 2000

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~~An act to add Section 186.29 to the Penal Code, and to An  
act to amend Sections 743, 746, 749.21, 749.22, and 749.27 of,  
and to add Sections 654.5 and 654.7 to, the Welfare and  
Institutions Code, relating to juveniles.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1913, as amended, Cardenas. Juveniles: crime prevention.

~~(1) Existing law imposes penalties on persons who participate in criminal street gangs. Existing law also provides protection for witnesses to crimes under the Hertzberg-Leslie Witness Protection Act.~~

~~This bill would provide that, contingent upon an appropriation of \$5,000,000 in the state budget for this purpose, reasonable expenses for relocation shall be made available at the discretion of local law enforcement agencies to any person who is a victim of a criminal street gang or is a witness to a gang crime and is willing to testify in court. The~~

~~bill would provide that local law enforcement agencies shall operate the program at the county level and seek reimbursement from the state.~~

(2) Existing law provides that in cases where a probation officer determines that a minor is or likely will be within the jurisdiction of the juvenile court, the officer may delineate an alternative program or programs, not to exceed 6 months, designed to adjust the situation bringing the minor within the juvenile court's jurisdiction by providing care and treatment for addiction, individual and family counseling, and other services, except as specified. Existing law provides that a court may, without adjudging the minor a ward of the court, continue any hearing on a petition for 6 months and order the minor to participate in these alternative programs and services.

This bill would provide that all minors designated as eligible for alternative supervision diversion pursuant to these provisions shall be enrolled in an appropriate accredited school program as a condition of program participation, be placed on a probation officer caseload of no more than 35 cases, be given a social history assessment as specified, and be provided with alcohol and substance abuse services, counseling, and mental health services, if appropriate. This bill would also provide that, subject to appropriation in the state budget, \$30,000,000 shall be available to local community-based organizations, mental health agencies, and other specified agencies to provide services pursuant to these provisions.

The bill would also provide that eligible minors arrested for misdemeanor offenses shall be referred to the local probation department.

The bill would also provide that, subject to appropriation in the state budget, at least \$75,000,000 shall be made available for support of local juvenile crime diversion and gang prevention programs, at least \$10,000,000 shall be made available for utilization by local school district police departments for development of school-based juvenile crime diversion programs, as specified, and at least \$25,000,000 shall be made available to support local juvenile crime diversion and gang prevention programs for predelinquent youth. The



bill would provide that, subject to appropriation in the state budget, at least \$20,000,000 and, shall be made available annually to develop or expand gender specific programs for female offenders and at least \$8,000,000 shall be made available annually for the support of local female juvenile crime diversion and gang prevention programs. The bill would also provide that, subject to appropriation in the state budget, at least \$6,000,000 shall be made available annually for the Abolish Chronic Truancy Program in Los Angeles County, and at least \$6,000,000 annually to the Communities in Schools program, as specified. By imposing additional duties on local law enforcement personnel, this bill would impose a state-mandated local program.

~~(3)~~

(2) Existing law establishes a 3-year pilot project, subject to appropriation of funds therefor, to be known as the “Repeat Offender Prevention Project” for operation in specified counties, the purpose of which is to design, establish, implement, and evaluate a model program for the reduction of recidivism among juvenile offenders, as specified.

This bill would specify that this program is contingent upon the appropriation of \$220,000,000, remove the 3-year limitation, make the program available to every county probation department in the state, and require participating probation departments to evaluate the need for specific programs for female juvenile offenders.

~~(4)~~

(3) Existing law provides that a minor shall be selected for participation in the Repeat Offender Prevention Project based on several specified factors, including that the minor is 15<sup>1</sup>/<sub>2</sub> years of age or younger, has been declared a ward of the juvenile court for the first time, and is to be supervised by a probation department selected for participation in the project.

This bill would expand this factor to also include minors who have been designated as eligible for alternative supervision diversion for the first time.

~~(5)~~

(4) Existing law establishes the Juvenile Crime Enforcement and Accountability Challenge Grant Program,



and provides that to be eligible for grants under this program, each county shall establish a multiagency juvenile justice coordinating council, as specified, that shall develop and implement a continuum of county-based responses to juvenile crime.

This bill would instead provide that each county that receives funding under this program or under the Repeat Offender Prevention Project must establish a multiagency coordinating council. The bill would also declare the Legislature's intent to appropriate \$25,000,000 in the Budget Act of 2000 for funding of the program, as specified.

(6)

(5) This bill would provide that contingent upon a funding allocation of \$3,500,000 in the state budget, the California Youth Authority Gang Violence Reduction Project shall be established in Los Angeles, Orange, Alameda, and San Joaquin Counties as specified.

(7)

(6) This bill would provide that contingent upon an allocation of \$3,800,000 in the state budget, the Department of the Youth Authority shall establish a Gang Information and Supervision Agent project at each of its 17 parole districts.

(8)

(7) This bill would provide that contingent upon an allocation of \$2,300,000 in the state budget, the Gang Service Project shall be added to each parole unit in the state.

(9)

(8) This bill would provide that contingent upon an allocation of \$15,000,000 in the state budget, the Department of the Youth Authority shall administer a bid process for allocation of the funds to local and community agencies that provide gang prevention services in local communities with a high number of commitments to the ~~California~~ Department of the Youth Authority.

(10)

(9) 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

1     ~~SECTION 1. Section 186.29 is added to the Penal~~  
2     ~~Code, to read:~~  
3     ~~186.29. Contingent upon an appropriation of five~~  
4     ~~million dollars (\$5,000,000) in the state budget for this~~  
5     ~~purpose, reasonable expenses for relocation shall be made~~  
6     ~~available to a person who is a victim of a criminal street~~  
7     ~~gang or a witness to a gang crime and is willing to testify~~  
8     ~~in court, if in the judgment of the applicable local law~~  
9     ~~enforcement agency a credible threat of physical harm~~  
10    ~~has been made against the victim or witness, or the~~  
11    ~~immediate family thereof, or where the victim or witness~~  
12    ~~otherwise reasonably fears for his or her safety or the~~  
13    ~~safety of his or her immediate family. Sheriff's~~  
14    ~~departments and local police agencies shall operate the~~  
15    ~~program at the county level and shall seek~~  
16    ~~reimbursement from the state.~~  
17    ~~SEC. 2.~~  
18    ~~SECTION 1. Section 654.5 is added to the Welfare and~~  
19    ~~Institutions Code, to read:~~  
20    ~~654.5. (a) All minors designated as eligible for~~  
21    ~~alternative supervision diversion pursuant to Section 654~~  
22    ~~or 654.2 shall:~~



1 (1) Be enrolled and attending an appropriate  
2 accredited school program as a condition of program  
3 participation.

4 (2) Be placed on a probation officer caseload of no  
5 more than 35 assigned cases for at least six months.

6 (3) Be given a social history assessment which includes  
7 school evaluations, mental health assessment, and family  
8 background history.

9 (4) Be provided alcohol and substance abuse services,  
10 mental health services, and other types of services,  
11 including counseling dealing with school related  
12 problems, if appropriate.

13 (b) Subject to appropriation in the state budget, an  
14 appropriation of thirty million dollars (\$30,000,000) shall  
15 be available to local community-based organizations,  
16 mental health agencies, and agencies that provide alcohol  
17 and substance abuse programs so that they may provide  
18 services to minors eligible for alternative supervision  
19 diversion pursuant to Section 654 or 654.2. County  
20 probation departments shall allocate these funds on a  
21 request for proposal basis.

22 SEC. 3. Section 654.7 is added to the Welfare and  
23 Institutions Code, to read:

24 654.7. (a) Minors who are arrested for committing a  
25 misdemeanor offense or attempted commission of a  
26 misdemeanor offense and who are eligible for alternative  
27 supervision diversion pursuant to Section 654 or 654.2  
28 shall be referred to the local probation department.

29 (b) Subject to appropriation in the state budget, the  
30 State of California shall make at least seventy-five million  
31 dollars (\$75,000,000) available annually for support of  
32 local juvenile crime diversion and gang prevention  
33 programs. These funds shall be administered by the  
34 Board of Corrections and allocated and distributed  
35 through a request for proposal process. A local law  
36 enforcement agency shall be the lead applicant.

37 (c) Subject to appropriation in the state budget, the  
38 State of California shall make at least ten million dollars  
39 (\$10,000,000) available annually for utilization by local  
40 school district police departments for the purpose of



1 developing school-based juvenile crime diversion  
2 programs. These funds shall be administered by the  
3 ~~Department~~ Board of Corrections and allocated and  
4 distributed through a request for proposal process. Eighty  
5 percent of the funds shall be allocated for law  
6 enforcement personnel costs, and the remainder shall be  
7 used for services and support and for computer  
8 technology.

9 (d) Subject to appropriation in the state budget, the  
10 State of California shall make at least twenty-five million  
11 dollars (\$25,000,000) available annually to support local  
12 juvenile crime diversion and gang prevention programs  
13 for predelinquent youth. These funds shall be  
14 administered by the Board of Corrections and allocated  
15 and distributed through a request for proposal process. A  
16 local law enforcement agency or probation department  
17 shall be the lead applicant.

18 (e) Subject to appropriation in the state budget the  
19 State of California shall make at least twenty million  
20 dollars (\$20,000,000) available annually to probation  
21 departments to develop or expand gender specific  
22 programs for female offenders. These programs shall  
23 include, but shall not be limited to, female juvenile crime  
24 diversion programs, female juvenile gang prevention  
25 programs, and female juvenile offender camp programs.

26 These funds shall be administered by the Board of  
27 Corrections and shall be allocated and distributed  
28 through a request for proposal process. The probation  
29 department shall be the lead applicant.

30 (f) Subject to appropriation in the state budget, the  
31 State of California shall make at least eight million dollars  
32 (\$8,000,000) available annually for the support of local  
33 female juvenile crime diversion and female juvenile gang  
34 prevention programs. These funds shall be administered  
35 by the Board of Corrections and allocated and distributed  
36 through a request for proposal process. A local law  
37 enforcement agency or a county probation department  
38 shall be the lead applicant.

39 (g) Subject to appropriation in the state budget, the  
40 State of California shall make at least six million dollars



1 (\$6,000,000) available annually for the Abolish Chronic  
2 Truancy (ACT) program. The current program is a  
3 partnership of the Los Angeles District Attorney's office  
4 and schools in Los Angeles County with its goals to reduce  
5 chronic truancy in elementary schools, through parent  
6 and child accountability and addressing attendance  
7 programs at the earliest possible time before the child's  
8 behavior is ingrained and while the parent still exercises  
9 control over the child (pre-high school), and long-term  
10 reduction of delinquency, adult criminality, and  
11 joblessness.

12 (h) Subject to appropriation in the state budget, the  
13 State of California shall make at least six million dollars  
14 (\$6,000,000) available annually to the Communities in  
15 Schools (CIS) program. The funds shall be administered  
16 by the Board of Corrections. *The California State*  
17 *University at Northridge shall serve as a technical adviser*  
18 *with respect to the funding of CIS programs.*

19 ~~SEC. 4.~~

20 SEC. 3. Section 743 of the Welfare and Institutions  
21 Code is amended to read:

22 743. Contingent upon the appropriation of two  
23 hundred twenty million dollars (\$220,000,000) annually,  
24 the "Repeat Offender Prevention Project" shall be made  
25 available to every county probation department in this  
26 state unless the board of supervisors of one or more of  
27 these counties adopts a resolution to the effect it will not  
28 participate in the project, each of which shall design,  
29 establish, implement, and evaluate a model program to  
30 meet the needs of a juvenile offender population  
31 identified as having the potential to become repeat  
32 serious offenders utilizing the findings of exploratory  
33 studies conducted in Orange County between 1989 and  
34 1993 by the research staff of the Orange County Probation  
35 Department which identified certain minors who were  
36 designated as the "8 percent" population. The main goal  
37 of this program is to develop and implement a  
38 cost-effective multiagency, multidisciplinary program  
39 which targets youth displaying behavior that may lead to  
40 delinquency and recidivism. Every county probation



1 department that participates in this program shall  
2 evaluate the need for including gender specific programs  
3 for female juvenile offenders as part of this program.

4 ~~SEC. 5.~~

5 *SEC. 4.* Section 746 of the Welfare and Institutions  
6 Code is amended to read:

7 746. A minor shall be selected for participation in a  
8 program established pursuant to this article based upon  
9 the following factors:

10 (a) The minor is 15<sup>1</sup>/<sub>2</sub> years of age or younger, has  
11 either been declared a ward of the juvenile court  
12 pursuant to Section 601 or 602 for the first time or has  
13 been designated as eligible for alternative supervision  
14 diversion pursuant to Section 654 or 654.2 for the first  
15 time, and is to be supervised by a probation department  
16 selected for participation in this project.

17 (b) The minor has been evaluated and found to have  
18 at least three of the following factors, that place the minor  
19 at a significantly greater risk of becoming a chronic  
20 juvenile or adult offender:

21 (1) School behavior and performance problems. This  
22 shall include at least one of the following: attendance  
23 problems; school suspension or expulsion; or failure in two  
24 or more academic classes during the previous six months  
25 or comparable academic period.

26 (2) Family problems. These shall include at least one  
27 of the following: poor parental supervision or control;  
28 documented circumstances of domestic violence; child  
29 abuse or neglect; or family members who have engaged  
30 in criminal activities.

31 (3) Substance abuse. This shall include any regular use  
32 of alcohol or drugs by the minor, other than  
33 experimentation.

34 (4) High-risk predelinquent behavior. This shall  
35 include at least one of the following: a pattern of stealing;  
36 chronic running away from home; or gang membership  
37 or association.

38 (5) The minor matches the at-risk profile for  
39 becoming a chronic and repeat juvenile offender



1 according to the criteria developed by the Multi-Agency  
2 At-Risk Youth Committee (MAARYC).

3 ~~SEC. 6.~~

4 *SEC. 5.* Section 749.21 of the Welfare and Institutions  
5 Code is amended to read:

6 749.21. The Juvenile Crime Enforcement and  
7 Accountability Challenge Grant Program shall be  
8 administered by the Board of Corrections for the purpose  
9 of reducing juvenile crime and delinquency. This  
10 program shall award grants based on criteria developed  
11 by the Board of Corrections and on a competitive basis to  
12 counties that (a) develop and implement a  
13 comprehensive, multiagency local action plan that  
14 provides for a continuum of responses to juvenile crime  
15 and delinquency, including collaborative ways to address  
16 local problems of juvenile crime; and (b) demonstrate a  
17 collaborative and integrated approach for implementing  
18 a system of swift, certain, graduated responses; and  
19 appropriate sanctions for at-risk youth and juvenile  
20 offenders.

21 ~~SEC. 7.~~

22 *SEC. 6.* Section 749.22 of the Welfare and Institutions  
23 Code is amended to read:

24 749.22. Counties that receive funding pursuant to  
25 Section 743 or from the Juvenile Crime Enforcement and  
26 Accountability Challenge Grant Program shall establish  
27 a multiagency juvenile justice coordinating council that  
28 shall develop and implement a continuum of  
29 county-based responses to juvenile crime. The  
30 coordinating councils shall, at a minimum, include the  
31 chief probation officer, as chair, and one representative  
32 each from the district attorney's office, the public  
33 defender's office, the sheriff's department, the board of  
34 supervisors, the department of social services, the  
35 department of mental health, a community-based drug  
36 and alcohol program, a city police department, the  
37 county office of education or a school district, and an  
38 at-large community representative. In order to carry out  
39 its duties pursuant to this section, a coordinating council  
40 shall also include representatives from nonprofit



1 community-based organizations providing services to  
2 minors. The board of supervisors shall be informed of  
3 community-based organizations participating on a  
4 coordinating council. The coordinating councils shall  
5 develop a comprehensive, multiagency plan that  
6 identifies the resources and strategies for providing an  
7 effective continuum of responses for the prevention,  
8 intervention, supervision, treatment, and incarceration  
9 of male and female juvenile offenders, including  
10 strategies to develop and implement locally based or  
11 regionally based out-of-home placement options for  
12 youths who are persons described in Section 602.  
13 Counties may utilize community punishment plans  
14 developed pursuant to grants awarded from funds  
15 included in the 1995 Budget Act to the extent the plans  
16 address juvenile crime and the juvenile justice system or  
17 local action plans previously developed for this program.  
18 The plan shall include, but not be limited to, the following  
19 components:

20 (a) An assessment of existing law enforcement,  
21 probation, education, mental health, health, social  
22 services, drug and alcohol and youth services resources  
23 which specifically target at-risk juveniles, juvenile  
24 offenders, and their families.

25 (b) An identification and prioritization of the  
26 neighborhoods, schools, and other areas in the  
27 community that face a significant public safety risk from  
28 juvenile crime, such as gang activity, daylight burglary,  
29 late-night robbery, vandalism, truancy, controlled  
30 substance sales, firearm-related violence, and juvenile  
31 alcohol use within the council's jurisdiction.

32 (c) A local action plan (LAP) for improving and  
33 marshaling the resources set forth in subdivision (a) to  
34 reduce the incidence of juvenile crime and delinquency  
35 in the areas targeted pursuant to subdivision (b) and the  
36 greater community. The councils shall prepare their  
37 plans to maximize the provision of collaborative and  
38 integrated services of all the resources set forth in  
39 subdivision (a), and shall provide specified strategies for  
40 all elements of response, including prevention,



1 intervention, suppression, and incapacitation, to provide  
2 a continuum for addressing the identified male and  
3 female juvenile crime problem, and strategies to develop  
4 and implement locally based or regionally based  
5 out-of-home placement options for youths who are  
6 persons described in Section 602.

7 (d) Develop information and intelligence-sharing  
8 systems to ensure that county actions are fully  
9 coordinated, and to provide data for measuring the  
10 success of the grantee in achieving its goals. The plan shall  
11 develop goals related to the outcome measures that shall  
12 be used to determine the effectiveness of the program.

13 (e) Identify outcome measures which shall include,  
14 but not be limited to, the following:

15 (1) The rate of juvenile arrests.

16 (2) The rate of successful completion of probation.

17 (3) The rate of successful completion of restitution and  
18 court-ordered community service responsibilities.

19 ~~SEC. 8.~~

20 *SEC. 7.* Section 749.27 of the Welfare and Institutions  
21 Code is amended to read:

22 749.27. Funding for the Juvenile Crime Enforcement  
23 and Accountability Challenge Grant Program for grant  
24 awards shall be provided from the amount appropriated  
25 in Item 5430-101-0001 of the Budget Act of 2000. Up to 5  
26 percent of the amount appropriated in Item  
27 5430-101-0001 of the Budget Act of 2000 shall be  
28 transferred upon the approval of the Director of Finance,  
29 to Item 5430-001-0001 for expenditure as necessary for the  
30 board to administer this program, including technical  
31 assistance to counties and the development of an  
32 evaluation component.

33 It is the intent of the Legislature to appropriate  
34 twenty-five million dollars (\$25,000,000) in the Budget  
35 Act of 2000 for funding the Juvenile Crime Enforcement  
36 and Accountability Challenge Grant Program. Up to 5  
37 percent of the amount appropriated in the Budget Act of  
38 2000 for the Juvenile Crime Enforcement and  
39 Accountability Challenge Grant Program shall be  
40 transferred, upon the approval of the Director of



1 Finance, to the Board of Corrections, as necessary for the  
2 board to administer this program, provide technical  
3 assistance to counties, and to develop and monitor the  
4 evaluation component of this program.

5 ~~SEC. 9.~~

6 *SEC. 8.* The Legislature finds and declares the  
7 following:

8 (a) The Department of the Youth Authority  
9 successfully operated the Gang Violence Reduction  
10 Project in the East Los Angeles area for many years. This  
11 project received national, state, and local recognition for  
12 the innovative and effective impact the project had on  
13 gang violence. The two key components attributed to the  
14 program's success were that the program was operated  
15 and managed by the Youth Authority parole agents who  
16 provided essential credibility with other law  
17 enforcement agents and the program operated on a dual  
18 mission, which was to provide critical intelligence to law  
19 enforcement regarding gang activity and mitigate or  
20 prevent gang conflicts that lead to violence. Contingent  
21 on a funding allocation of three million five hundred  
22 thousand dollars (\$3,500,000) in the state budget, the  
23 California Youth Authority Gang Violence Reduction  
24 Project shall be established in four counties throughout  
25 the state, Los Angeles, Orange, Alameda, and San Joaquin  
26 Counties, to provide eight hundred fifty thousand dollars  
27 (\$850,000) per project site to include the cost of Youth  
28 Authority personnel, equipment, and services.

29 (b) The Department of the Youth Authority currently  
30 supervises gang-involved parolees throughout 17 parole  
31 offices; however, these parolees are not consolidated into  
32 specified gang caseloads. A Gang Information  
33 Supervision Agent position should be established in each  
34 parole district throughout the state. The Gang  
35 Information Supervision Agent would allow for greater  
36 coordination between law enforcement and probation  
37 officers for high risk gang involved parolees. Contingent  
38 on an allocation of three million eight hundred thousand  
39 dollars (\$3,800,000) in the state budget, the California



1 Youth Authority shall establish the Gang Information and  
2 Supervision Agent project at each of its 17 parole districts.

3 (c) The Department of the Youth Authority currently  
4 operates two Gang Service Projects in the state. This  
5 program provides additional supervision to gang  
6 identified youth as well as providing a designated amount  
7 of community service hours. Youth Correctional  
8 Counselor positions should be added to each parole unit  
9 to provide the additional supervision and establish the  
10 community service projects. Contingent on an allocation  
11 of two million three hundred thousand dollars  
12 (\$2,300,000) in the state budget, the Gang Service Project  
13 shall be added to each parole unit in the state.

14 (d) The Department of the Youth Authority currently  
15 administers the Youth Centers and Youth Shelters Bond  
16 Act. The bond act, together with additional  
17 appropriations, has allowed the department to distribute  
18 approximately fifty million dollars (\$50,000,000) in capital  
19 improvement costs to build or acquire youth centers and  
20 youth shelters throughout California. This has been a  
21 major contribution to providing a safe and appropriate  
22 place for at-risk youth. However, adequate operating  
23 funds for these centers has not been provided.  
24 Contingent on an allocation of fifteen million dollars  
25 (\$15,000,000) in the state budget, the Department of the  
26 Youth Authority shall administer a bid process for  
27 allocation of these funds to local and community agencies  
28 that provide gang prevention services in local  
29 communities with a high number of commitments to the  
30 Department of the Youth Authority.

31 ~~SEC. 10.~~

32 *SEC. 9.* No reimbursement is required by this act  
33 pursuant to Section 6 of Article XIII B of the California  
34 Constitution for certain costs that may be incurred by a  
35 local agency or school district because in that regard this  
36 act creates a new crime or infraction, eliminates a crime  
37 or infraction, or changes the penalty for a crime or  
38 infraction, within the meaning of Section 17556 of the  
39 Government Code, or changes the definition of a crime



1 within the meaning of Section 6 of Article XIII B of the  
2 California Constitution.

3 However, notwithstanding Section 17610 of the  
4 Government Code, if the Commission on State Mandates  
5 determines that this act contains other costs mandated by  
6 the state, reimbursement to local agencies and school  
7 districts for those costs shall be made pursuant to Part 7  
8 (commencing with Section 17500) of Division 4 of Title  
9 2 of the Government Code. If the statewide cost of the  
10 claim for reimbursement does not exceed one million  
11 dollars (\$1,000,000), reimbursement shall be made from  
12 the State Mandates Claims Fund.

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