

Senate Bill No. 1542

Passed the Senate August 31, 2000

Secretary of the Senate

Passed the Assembly August 28, 2000

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2000, at _____ o'clock ____M.

Private Secretary of the Governor

Corrected 9-1-2000



CHAPTER _____

An act to add and repeal Section 531 of the Military and Veterans Code, and to add and repeal Sections 731.3 and 796 of the Welfare and Institutions Code, relating to military academies, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1542, Schiff. Turning Point Academy.

Existing law provides that the Adjutant General is the head of the Military Department.

This bill would authorize the Adjutant General until July 1, 2002, to develop, establish, and operate the Turning Point Academy for the purpose of providing a comprehensive and meaningful military academy experience for minors residing in California who are 15 years of age or older and who have committed a firearms-related offense at school or a school activity off school grounds. The academy would consist of an intensive program of treatment, physical training, education, drug screening, and counseling services for eligible wards of the juvenile court.

This bill would appropriate \$9,210,000 from the General Fund to the Military Department for this purpose.

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

Appropriation: yes.

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

SECTION 1. Section 531 is added to the Military and Veterans Code, to read:

531. (a) The Adjutant General shall develop, establish, and operate the Turning Point Academy for the purpose of providing a comprehensive and meaningful military academy experience for minors residing in California who are 15 years of age or older and who have



committed a firearms-related offense at school or a school activity off school grounds, as described in paragraph (1) of subdivision (c) of Section 48915 of the Education Code.

The Turning Point Academy shall consist of an intensive program of treatment, physical training, education, drug screening, and counseling services for eligible wards of the juvenile court. The mission of the academy shall be to enhance public safety, and to prepare youth for productive and successful lives by fostering self esteem, self discipline, and personal accountability as individuals; developing constructive social and community affiliations; and providing academic and vocational education training. The Military Department shall contract with an accredited educational institution for provision of the educational component of the program; this shall include an affiliation with a local school district, county office of education, or community college that has an agreement with a high school.

(b) A minor selected for the academy shall meet all of the criteria described in Section 731.3 of the Welfare and Institutions Code. The academy shall be comprised of wards who are accepted into the academy and successfully complete the academy orientation program. Wards who are accepted into the academy shall be known as “cadets.”

(c) At no time and in no instance shall physical or chemical force, or physical or mental intimidation or coercion, be used for punishment, behavior modification, or any other purpose at the academy unless specifically in response to an emergency situation in which a cadet or staff person faces imminent physical harm, and in accordance with force policies adopted by the academy.

(d) (1) Pursuant to this section, the Military Department shall adopt policies and procedures concerning all matters relating to cadet and staff safety; staff training; cadet discipline, motivation, and mentoring; academic and vocational education assessment and programming; behavior counseling; and cadet graduation planning.



(2) The Military Department shall adopt the policies and procedures required under paragraph (1) pursuant to the requirements of this article and the recommendations of an advisory committee comprised of the following representatives or their designees who shall be appointed by the Governor unless otherwise specified:

(A) The Adjutant General of the Military Department, who shall chair the advisory committee.

(B) The Director of the Youth Authority.

(C) A representative selected by the Senate Committee on Rules.

(D) A representative selected by the Speaker of the Assembly.

(E) A chief probation officer of a county that has adopted a resolution pursuant to subdivision (f) of Section 731.3 of the Welfare and Institutions Code.

(F) The Superintendent of the San Luis Obispo County Office of Education.

(G) A juvenile court judge.

(H) A sheriff of a county that has adopted a resolution pursuant to subdivision (h) of Section 731.3 of the Welfare and Institutions Code.

(I) The Sheriff of San Luis Obispo County.

(J) A youth advocate experienced in juvenile detention issues.

(K) An expert in the field of adolescent development or mental health.

(e) For custody, physical education and fitness, and leadership training positions, the academy shall be staffed by persons meeting the hiring and training requirements of a Youth Correctional Counselor for the Department of the Youth Authority as of June 30, 2000, or persons who have successfully completed the Juvenile Corrections Officer Core Course and, where required, completed additional annual training, as regulated by the Board of Corrections.

(f) Academic and vocational education positions at the academy shall be staffed by persons within any of the following categories:



(1) Any person holding a valid teacher credential issued by the Commission on Teacher Credentialing pursuant to Article 4 (commencing with Section 44250) of Part 25 of the Education Code.

(2) Any person holding a valid emergency teaching or specialist permit issued pursuant to Section 44300 of the Education Code.

(3) Any person providing instructional services pursuant to a waiver of requirements governing the preparation or licensing of educators, pursuant to subdivision (m) of Section 44225 of the Education Code.

(g) Individual or group counseling shall be provided by a psychiatrist, psychologist, marriage and family counselor, or clinical social worker currently licensed as such by the state.

(h) The academy shall be subject to Section 209 of, and Article 24 (commencing with Section 880) of Chapter 2 of Part 1 of Division 2 of, the Welfare and Institutions Code. The Board of Corrections shall ensure that gender specific issues, including, but not limited to, issues of ward safety, are adequately addressed.

(i) Following admission of a cadet into the academy, individualized comprehensive cadet programming plans shall be developed and implemented. These plans shall be individualized, and shall include all of the following programming elements:

- (1) Academic or vocational education or both.
- (2) Individual and group behavior counseling.
- (3) Physical education and fitness.
- (4) Leadership training.
- (5) Program completion goals and planning.

(j) The department shall prepare and submit to the Legislature on or before July 1, 2002, a report that includes all of the following:

- (1) Information regarding management of daily operations.
- (2) A statistical description of the youth participating in the program.
- (3) The number of participants successfully completing the program.



(4) The arrest, reincarceration, and probation violation rates of wards or former wards who successfully completed the academy.

(5) Cost of the program per participant.

(6) A description of the programs and services provided.

(7) A description of any allegations of staff misconduct.

(8) Any additional data or information that the Military Department deems relevant to an objective assessment and evaluation of the operation of the program.

(k) Up to 5 percent of the amount appropriated to the Military Department pursuant to the act adding this section shall be used for an independent researcher recommended by the Legislative Analyst's office to conduct an evaluation of the effectiveness of the academy based on an experimental design.

(l) This section shall become inoperative on July 1, 2002, and as of January 1, 2003, is repealed, unless a later enacted statute, that is enacted before January 1, 2003, deletes or extends that date.

SEC. 2. Section 731.3 is added to the Welfare and Institutions Code, to read:

731.3. (a) Any minor who is 15 years of age or older and who is found to have committed a firearms-related offense described in paragraph (1) of subdivision (c) of Section 48915 of the Education Code at school or a school activity off school grounds may be committed to placement in the Turning Point Academy established by Section 531 of the Military and Veterans Code for up to six months, except as otherwise provided in this section. After completion of the academy, the minor shall complete six months of intensive probation supervision in the minor's county of origin, including participation in an aftercare program as provided in subdivision (e).

(b) In order to be eligible to participate in the academy, a minor shall meet all of the following criteria:

(1) The minor is 15 years of age or older.

(2) The minor has not been previously found to be a ward of the court pursuant to Section 602.



(3) The minor has not previously participated in the academy program.

(4) The minor has not previously been committed to the Department of the Youth Authority.

(5) The minor is not mentally ill and does not have sexual problems.

(6) The minor would benefit from the educational and treatment program offered by the academy.

(7) The minor is unlikely to suffer harm in the program due to immaturity, fragility, physical or mental impairment, serious emotional disturbance, or developmental disability. No minor shall be placed in the academy who is under the jurisdiction of the court solely because of abuse or neglect.

(c) (1) Prior to referral to the academy, the minor shall be assessed by the county probation officer. The county probation officer shall perform a social study and assess the minor's mental health status and make a determination whether the criteria enumerated in subdivision (b) apply. At the time the minor is brought before a judicial officer, the judicial officer shall assess the minor's mental health status, and shall order the minor to continue to be detained and a mental health evaluation conducted in accordance with Article 3 (commencing with Section 6550) of Chapter 2 of Part 2 of Division 6, if the judicial officer concludes that the minor poses a danger to the safety of himself or herself or to the public. The assessment shall determine whether the minor is physically and psychologically suitable to participate in the program, including whether the minor has special education needs that could not be provided by the academy program. The assessment shall also include a determination as to the availability of space in the residential academy program.

(2) If the minor is found to be unsuitable for placement in the program, or if space is not available, the minor shall be returned to the juvenile court for further disposition. If the minor who is found ineligible to participate pursuant to a deferred entry of judgment program pursuant to Section 796, the minor shall be



permitted to withdraw an admission of guilt entered pursuant to a deferred entry of judgment program established pursuant to Article 20.5 (commencing with Section 790), and the case shall proceed pursuant to Article 17 (commencing with Section 675).

(d) Upon referral to the program, during the orientation procedure, the Military Department shall review and confirm that the minor meets the basic eligibility requirements for participation in the program. If the department concludes that the minor is unsuitable for placement in the program, the minor shall be returned to the juvenile court for commitment to another appropriate disposition.

(e) The status of every minor placed in the academy shall be reviewed periodically by the committing court as determined by the court, but no less frequently than once monthly, as calculated from the date of the original dispositional hearing, until the minor is returned to the minor's county of origin. The court shall consider the health and safety of the minor, and any other condition or circumstance relevant to the minor's treatment at the academy.

(f) If, upon inspection, the probation officer of the county in which the minor is adjudged a ward of the court determines that the academy is an unsuitable placement for the minor, the probation officer may temporarily remove the minor from the facility or program. The probation officer shall promptly inform the court of the minor's removal, and shall return the minor to the court for a hearing to review the suitability of continued confinement at the academy.

(g) The aftercare program of the academy shall be comprised of individually designed, comprehensive, and intensive programs of probation supervision that shall include the following phases and, depending upon the needs and circumstances of the minor, planning, supervision, and treatment components appropriate for each phase that shall assure public safety and the minor's competency development as a law-abiding citizen:



(1) A transition planning phase that commences no sooner than four weeks prior to a ward's release from the academy that consists of assessing the ward and the ward's aftercare needs and requirements; a home-based interview with the ward's family to determine and incorporate the family's needs and circumstances into the ward's aftercare plan; and the development of a case plan for the ward.

(2) An intensive community-based supervision phase beginning immediately upon the ward's release from the academy, consisting of one or a combination of the following models based upon a ward's individual and family needs and circumstances:

(A) The community day school model, where the ward attends a structured day treatment program for at least eight hours per school day, while being intensively supervised by a probation officer.

(B) The home supervision model, where the ward attends a regular or court school program while being intensively supervised by a probation officer and under the supervision of a home confinement officer who makes daily home visits or telephone calls.

(C) The home supervision model, where the ward attends a regular or court school program while being intensively supervised by a probation officer, under the supervision of a home confinement officer, and also under electronic surveillance.

(3) A step-down phase, in which a probation officer reassesses the case, reviews the case plan, and begins the supervision termination process.

(h) This section shall apply only in a county in which the county board of supervisors has adopted a resolution making this section and Section 796 applicable to the county. The resolution shall state the intention of the county to comply with all of the requirements of those provisions, and to provide transportation for the minors to and from the residential academy.

(i) This section shall become inoperative on July 1, 2002, and as of January 1, 2003, is repealed, unless a later



enacted statute, that is enacted before January 1, 2003, deletes or extends that date.

SEC. 3. Section 796 is added to the Welfare and Institutions Code, to read:

796. (a) This section shall apply in any county in which the county board of supervisors has adopted a resolution making this section and Section 731.3 applicable.

(b) Notwithstanding the eligibility criteria contained in subdivision (a) of Section 790 but subject to subdivision (b) of Section 790, whenever a case is before the juvenile court for a determination of whether the minor is a person described in Section 602 because of the commission of a firearms-related offense at school or a school activity off school grounds described in paragraph (1) of subdivision (c) of Section 48915 of the Education Code, deferred entry of judgment procedures described in this chapter shall apply, if all of the following circumstances apply:

(1) The minor has not previously been committed to the custody of the Department of the Youth Authority.

(2) The minor's record does not indicate that probation has ever been revoked without being completed.

(3) The minor is at least 15 years of age at the time of the hearing.

(4) The minor is eligible for probation pursuant to Section 1203.06 of the Penal Code.

(5) The current offense is not one described in subdivision (b) of Section 707.

(6) The minor has not previously committed an offense described in subdivision (b) of Section 707.

(7) The minor is not otherwise ineligible pursuant to Section 731.3.

(c) The prosecuting attorney shall review his or her file to determine whether or not paragraphs (1) to (7), inclusive, of subdivision (b) apply.

(d) Upon completion of the requirements for deferred entry of judgment contained in this chapter, except as modified by this section, a minor described in subdivision



(a) shall be ordered to participate in the Turning Point Academy program, pursuant to Section 731.3. As a condition of participation, the juvenile court judge shall order the minor to obey all orders and rules of the academy.

(e) Notwithstanding subdivision (a) of Section 793, the juvenile court judge may also enter judgment and schedule a dispositional hearing if the judge determines that the minor is not complying with the rules and orders of the Turning Point Academy.

(f) (1) If the minor has performed satisfactorily during the period in which deferred entry of judgment was granted, at the end of that period the charge or charges in the wardship petition shall be dismissed and the arrest upon which the judgment was deferred shall be deemed never to have occurred and any records in the possession of the juvenile court shall be sealed, except that the prosecuting attorney and the probation department of any county shall have access to these records after they are sealed for the limited purpose of determining whether a minor is eligible for deferred entry of judgment pursuant to Section 790. Nothing in this section is intended to abrogate the minor's rights pursuant to Section 781 regarding the sealing of records.

(2) If the minor successfully completes the Turning Point Academy program, the minor shall be permitted to reenroll in the school from which he or she was expelled pursuant to Section 48915 of the Education Code, if applicable.

(g) In all other respects, the procedures, requirements, and consequences relating to deferred entry of judgment contained in Sections 790 to 795, inclusive, shall apply.

(h) This section shall become inoperative on July 1, 2002, and as of January 1, 2003, is repealed, unless a later enacted statute, that is enacted before January 1, 2003, deletes or extends that date.

SEC. 4. The sum of nine million two hundred ten thousand dollars (\$9,210,000) is hereby appropriated from the General Fund to the Military Department for



the purpose of implementing this act. Funds received pursuant to this act shall be expended in accordance with the provisions of this act no later than June 30, 2002, and the unencumbered balance on that date shall revert to the General Fund.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to make the programs authorized by this act available at the earliest possible time, it is necessary that this act take effect immediately.



Approved _____, 2000

Governor

