

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2089

Introduced by Assembly Member Alejo

February 23, 2012

~~An act to amend Section 13897.1 of the Penal Code, relating to crime victims. An act to amend Section 626 of, and to add Section 626.2 to, the Welfare and Institutions Code, relating to juveniles.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2089, as amended, Alejo. ~~Crime victims' resource center. Juveniles: civil citation process.~~

Under existing law, a peace officer may take a minor into temporary custody without a warrant under specified circumstances, including when the officer has reasonable cause to believe that the minor has committed a crime and is within the jurisdiction of the juvenile court, and may release the minor, deliver the minor to a services agency, release the minor with a notice to appear before a probation officer, or promptly take the minor before a probation officer. Proceedings to declare a minor a ward of the court are commenced by the filing of a petition by a probation officer, district attorney, or prosecuting attorney.

This bill would authorize a peace officer who takes a minor suspected of having committed a misdemeanor into temporary custody without a warrant to issue a civil citation to the minor if the minor consents, admits to having committed the misdemeanor, and has not previously committed an offense. Under the bill, the officer would notify the county probation department, to which the minor would report within 7 days. The bill would require the probation department to assess the minor and to require the minor to serve no more than 50 hours of community

service. The probation department would also be authorized to require the minor to participate in intervention programs. If the minor fails to report to the probation department or to fulfill the requirements of the civil citation program, this bill requires the probation department to present an affidavit with the facts constituting the original misdemeanor to the prosecuting attorney. By imposing new duties on county probation departments, and by increasing those departments' duties, this bill would impose a state-mandated local program.

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.

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.

~~Existing law establishes a resource center that operates a statewide, toll-free information service for crime victims and providers of services to crime victims, and requires the resource center to distribute information and educational materials on victims' legal rights to specified agencies and organizations, including administrative and law enforcement agencies.~~

~~This bill would make technical, nonsubstantive changes to these provisions.~~

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

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

- 1 SECTION 1. Section 626 of the Welfare and Institutions Code
- 2 is amended to read:
- 3 626. An officer who takes a minor into temporary custody
- 4 under the provisions of Section 625 may do any of the following:
- 5 (a) Release the minor.
- 6 (b) Deliver or refer the minor to a public or private agency with
- 7 which the city or county has an agreement or plan to provide shelter
- 8 care, counseling, or diversion services to minors so delivered.
- 9 (c) *Issue a civil citation to the minor under Section 626.2 if the*
- 10 *minor is eligible to participate in the civil citation program.*
- 11 (e)

(d) Prepare in duplicate a written notice to appear before the probation officer of the county in which the minor was taken into custody at a time and place specified in the notice. The notice shall also contain a concise statement of the reasons the minor was taken into custody. The officer shall deliver one copy of the notice to the minor or to a parent, guardian, or responsible relative of the minor and may require the minor or the minor's parent, guardian, or relative, or both, to sign a written promise to appear at the time and place designated in the notice. Upon the execution of the promise to appear, the officer shall immediately release the minor. The officer shall, as soon as practicable, file one copy of the notice with the probation officer. The written notice to appear may require that the minor be fingerprinted, photographed, or both, upon the minor's appearance before the probation officer, if the minor is a person described in Section 602 and he or she was taken into custody upon reasonable cause for the commission of a felony.

(d)

(e) Take the minor without unnecessary delay before the probation officer of the county in which the minor was taken into custody, or in which the minor resides, or in which the acts take place or the circumstances exist which are alleged to bring the minor within the provisions of Section 601 or 602, and deliver the custody of the minor to the probation officer. The peace officer shall prepare a concise written statement of the probable cause for taking the minor into temporary custody and the reasons the minor was taken into custody and shall provide the statement to the probation officer at the time the minor is delivered to the probation officer. In no case shall the officer delay the delivery of the minor to the probation officer for more than 24 hours if the minor has been taken into custody without a warrant on the belief that the minor has committed a misdemeanor.

In determining which disposition of the minor to make, the officer shall prefer the alternative which least restricts the minor's freedom of movement, provided that alternative is compatible with the best interests of the minor and the community.

SEC. 2. Section 626.2 is added to the *Welfare and Institutions Code*, to read:

626.2. (a) An officer who takes a minor suspected of having committed a misdemeanor into temporary custody under the provisions of Section 625 may issue a civil citation against the

1 minor if the minor admits to having committed the misdemeanor
2 and has not previously committed an offense. Upon issuing a civil
3 citation under this section, the officer shall notify the probation
4 department of the county in which the civil citation was issued,
5 the prosecutor, the minor's parent or guardian, and the victim of
6 the offense.

7 (b) The minor shall report to the county probation department
8 within seven days after the civil citation was issued.

9 (c) The county probation department shall conduct a risk and
10 needs assessment of the minor. Following that assessment, the
11 probation department shall require the minor to serve no more
12 than 50 hours of community service, and may require the minor
13 to participate in intervention services, including counseling,
14 substance abuse treatment, and mental health treatment. At the
15 conclusion of the minor's civil citation program, the probation
16 department shall prepare and maintain a report of the minor's
17 participation in the program.

18 (d) If the minor fails to report to the probation department, fails
19 to complete his or her community service hours, fails to comply
20 with any assigned intervention services, or commits a subsequent
21 offense, the probation department shall present the affidavit
22 describing the facts constituting the original misdemeanor to the
23 prosecuting attorney as provided by Section 653.5.

24 (e) The minor may elect to refuse the civil citation and to have
25 his or her case processed as provided in Section 626 at any time
26 before the minor's civil citation program is completed.

27 SEC. 3. If the Commission on State Mandates determines that
28 this act contains costs mandated by the state, reimbursement to
29 local agencies and school districts for those costs shall be made
30 pursuant to Part 7 (commencing with Section 17500) of Division
31 4 of Title 2 of the Government Code.

32 SECTION 1. ~~Section 13897.1 of the Penal Code is amended~~
33 ~~to read:~~

34 ~~13897.1. (a) There shall be established a resource center which~~
35 ~~shall operate a statewide, toll-free information service consisting~~
36 ~~of legal and other information for crime victims and providers of~~
37 ~~services to crime victims. The center shall provide information~~
38 ~~and educational materials discussing victims' legal rights. The~~
39 ~~center shall distribute these materials to administrative agencies,~~
40 ~~law enforcement agencies, victim-service programs, local, regional,~~

1 and statewide education systems, appropriate human services
2 agencies, and political, social, civic, and religious leaders and
3 organizations.

4 (b) As used in this chapter, “provider of services to crime
5 victims” means any hospital, doctor, attorney, local or statewide
6 rape crisis center, domestic violence center, child abuse counseling
7 center, or victims’ witness center that seeks to assist crime victims
8 in understanding and exercising their legal rights, including those
9 under Chapter 5 (commencing with Section 13950) of Part 4 of
10 Division 3 of Title 2 of the Government Code.

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