

AMENDED IN SENATE APRIL 25, 2011

AMENDED IN SENATE MARCH 25, 2011

SENATE BILL

No. 858

Introduced by Senator Gaines

February 18, 2011

An act to amend Section 1203.6 of, and to add Section 1203.55 to, the Penal Code, and to amend Section 270 of the Welfare and Institutions Code, relating to probation.

LEGISLATIVE COUNSEL'S DIGEST

SB 858, as amended, Gaines. Probation: Chief Probation Officer of Nevada County.

Existing law establishes the office of adult probation officer, and provides for the appointment of a probation officer in each county. Existing law provides that the probation officer be appointed by the court, except in charter counties, where the probation officer is appointed by the board of supervisors. *Existing law also authorizes the office of a probation officer appointed by the juvenile court, except as otherwise provided in charter counties, and specifies that this probation officer, and his or her appointees, are ex officio adult probation officers, unless the county charter provides for the separate office of adult probation officer.*

This bill would provide that the Chief Probation Officer of Nevada County *over adult and juvenile probation* be appointed *and removed* by the Nevada County Board of Supervisors.

This bill would make legislative findings and declarations as to the necessity of a special statute for ~~as to the necessity of a special statute~~ for Nevada County.

The bill would make additional conforming changes.

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

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

1 SECTION 1. Section 1203.55 is added to the Penal Code, to
2 read:
3 1203.55. The Chief Probation Officer of Nevada County *over*
4 *adult and juvenile probation* shall be appointed *and removed* by
5 the Board of Supervisors of Nevada County.
6 SEC. 2. Section 1203.6 of the Penal Code is amended to read:
7 1203.6. (a) Except as provided in Section 1203.55, the adult
8 probation officer shall be appointed and may be removed for good
9 cause in a county with two superior court judges, by the presiding
10 judge. In the case of a superior court of more than two judges, a
11 majority of the judges shall make the appointment, and may effect
12 removal.
13 (b) The salary of the probation officer shall be established by
14 the board of supervisors.
15 (c) The adult probation officer shall appoint and may remove
16 all assistants, deputies, and other persons employed in the officer's
17 department, and their compensation shall be established, according
18 to the merit system or civil service system provisions of the county.
19 If no merit system or civil service system exists in the county, the
20 board of supervisors shall provide for appointment, removal, and
21 compensation of such personnel.
22 (d) This section is applicable in a charter county whose charter
23 establishes the office of adult probation officer and provides that
24 the officer shall be appointed in accordance with general law
25 subject to the merit system provisions of the charter.
26 SEC. 3. Section 270 of the Welfare and Institutions Code is
27 amended to read:
28 270. Except as provided in Section 69906.5 of the Government
29 Code, there shall be in each county the offices of probation officer,
30 assistant probation officer, and deputy probation officer. A
31 probation officer shall be appointed in every county.
32 Except as provided in Section 1203.55 of the Penal Code,
33 probation officers in any county shall be nominated by the juvenile
34 justice commission or regional juvenile justice commission of such

1 county in such manner as the judge of the juvenile court in that
2 county shall direct, and shall then be appointed by such judge.

3 The probation officer appointed pursuant to this section may
4 appoint as many deputies or assistant probation officers as the
5 probation officer desires; but such deputies or assistant probation
6 officers shall not have authority to act until their appointments
7 have been approved by a majority vote of the members of the
8 juvenile justice commission, and by the judge of the juvenile court.

9 The term of office of each such deputy or assistant probation officer
10 shall expire with the term of the probation officer who appointed
11 the deputy or assistant probation officer, but the probation officer,
12 with the written approval of the majority of the members of the
13 juvenile justice commission and of the judge of the juvenile court,
14 may, in the probation officer's discretion, revoke and terminate
15 any such appointment at any time.

16 Probation officers appointed pursuant to this section may at any
17 time be removed by the judge of the juvenile court for good cause
18 shown; and the judge of the juvenile court may in the judge's
19 discretion at any time remove any such probation officer with the
20 written approval of a majority of the members of the juvenile
21 justice commission.

22 SEC. 4. The Legislature finds and declares that a special law
23 is necessary and that a general law cannot be made applicable
24 within the meaning of Section 16 of Article IV of the California
25 Constitution because of the unique needs requiring direct county
26 administration over adult probation services in Nevada County.