
UNFINISHED BUSINESS

Bill No: SB 823
Author: Committee on Budget and Fiscal Review
Amended: 8/28/20
Vote: 21

PRIOR VOTES NOT RELEVANT

ASSEMBLY FLOOR: Not available

SUBJECT: Juvenile justice realignment: Office of Youth and Community Restoration

SOURCE: Author

DIGEST: This bill includes statutory changes to enact public safety-related provisions of the Budget Act of 2020.

Assembly Amendments delete the Senate version of the bill and insert the current language.

ANALYSIS: The Governor's January Budget in 2020 proposed to transfer the Division of Juvenile Justice (DJJ) to a newly created independent department within the Health and Human Services Agency (HHS) on July 1, 2020. That approach was intended to align the rehabilitative mission of the state's juvenile justice system with trauma-informed and developmentally appropriate services supported by programs overseen by the state's Health and Human Services Agency. The unprecedented fiscal impact of COVID-19 resulted in the withdrawal of this proposal. Subsequently, the May Revision proposed to expand on previous efforts to reform the state's juvenile justice system by transferring the responsibility for managing all youthful offenders to local jurisdictions. The following trailer bill outlines the provisions for this realigned responsibilities. This bill will make the following changes:

Intake Closure Date

- 1) Closes intake at DJJ on July 1, 2021, with exceptions.

Reducing Transfers of Youth to Adult Jurisdiction

- 2) Continues to allow a court to commit any ward who is otherwise eligible to be committed to DJJ under existing law and in whose case a motion to transfer the minor from juvenile court to a court of criminal jurisdiction was filed. Moreover, expresses Legislative intent to establish a separate dispositional track for higher need youth by March 1 2021, to avoid increase transfers of youth to the adult jurisdiction.
- 3) Makes adjustments to the local age of jurisdiction so that it mirrors the current age of jurisdiction for DJJ commitments.

Oversight

- 4) Establishes the Office of Youth and Community Restoration (OYCR) within the Health and Human Services Agency (HHS), effective July 1, 2021. The objective of the OYCR is to fulfill the rehabilitative purpose of the state's juvenile justice system through trauma-informed and developmentally appropriate services and programs.
- 5) States that no juvenile grants shall be awarded by the Board of State and Community Corrections (BSCC) without the concurrence of the OYCR.
- 6) Moves all juvenile justice grant administration functions in the Board of State and Community Corrections shall be moved to the OYCR no later than January 1, 2025.
- 7) Requires the Office of Youth and Community Restoration to evaluate the efficacy of local programs being utilized for realigned youth, and report its findings to the Governor and Legislature no later than July 1, 2025.
- 8) Continues Youth Justice Committee within HHS's Child Welfare Council until July 2023 to assist in planning, and will advise and provide recommendations related to policies, programs, and approaches that improve youth outcomes, reduce youth detention, and reduce recidivism for the realigned population.
- 9) Adds a new state-level ombudsman for youth in the juvenile justice system.

Statewide Data and Reporting

- 10) Requires the Department of Justice to submit a plan by January 2023 to update the Juvenile Court and Probation Statistical System database, improve and modernize statewide juvenile justice data collection and reporting.

Funding and Accountability

- 11) Establishes the Juvenile Justice Realignment Block Grant program for the purpose of providing county based custody, care, and supervision of youth who are realigned from the state DJJ or who were otherwise eligible for commitment to the DJJ prior to its closure.
- 12) Defines the population for which funds should be used as youth who were eligible for commitment to the Division of Juvenile Justice prior to its closure, and youth adjudicated to be a ward of the juvenile court for DJJ-eligible offenses.
- 13) Makes the following appropriations by the Controller for fiscal years 2021-22 through 2023-24 to the counties for use by the county to provide appropriate rehabilitative housing and supervision services of the defined population:
 - a) For the 2021-22 fiscal year, \$39,949,000 General Fund.
 - b) For the 2022-23 fiscal year, \$118,339,000 General Fund.
 - c) For the 2023-24 fiscal year, \$192,037,000 General Fund.
 - d) For the 2024-25 fiscal year and each year thereafter, \$208,800,000 General Fund.
- 14) Bases the allocations will be based on a weighted formula that accounts for per-county percentage of the average number of wards committed to the DJJ, as of December 31, 2018; June 30, 2019; and December 31, 2019 (30 percent); the by-county distribution of juveniles held in county facilities for certain violent and serious felony crime categories per 2018 Juvenile Court and Probation Statistical System data, updated annually based on the most recently available data (50 percent); and the by-county distribution of all individuals between ages 10 and 17 from the preceding calendar year (20 percent).
- 15) States that the Governor and Legislature shall work with stakeholders to establish a distribution methodology for the funding by January 10, 2024, and ongoing that improves outcomes for this population.

- 16) Includes provisions stating that, in order to receive Juvenile Justice Realignment Block Grant funding, each county will be required to establish a juvenile advisory body that develops and implements a juvenile justice realignment plan with components as specified.
- 17) States that the OYCR shall review the plan to ensure that the plan contains all of the elements in this section and may return the plan to the county for revision as necessary prior to final acceptance of the plan.

FISCAL EFFECT: Appropriation: Yes Fiscal Com.: Yes Local: Yes

According to the Senate Budget and Fiscal Review Committee, this bill appropriates one-time \$9.6 million General Fund in facilities and planning grant funding to be awarded by the Board of State and Community Corrections in concurrence with new office to assist counties in the development of a local continuum of care. This funding shall not be used by counties to enter into contracts with private entities whose primary business is the custodial confinement of adults or youth in a prison or prison-like setting. Makes aforementioned appropriations related to the Juvenile Justice Realignment Block Grant starting in 2021-22 and anticipated costs for the startup and operation of the OYCR.

SUPPORT: (Verified 8/29/20)

None received

OPPOSITION: (Verified 8/29/20)

None received

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