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AB-2595 Wards: confinement. (2017-2018)

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Assembly Bill No. 2595

CHAPTER 766

An act to amend Section 731 of the Welfare and Institutions Code, relating to wards.

[Approved by Governor September 26, 2018. Filed with Secretary of State September 26, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2595, Obernolte. Wards: confinement.

Existing law prohibits a ward committed to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities from being held in physical confinement for a period of time in excess of the maximum period of imprisonment that could be imposed upon an adult convicted of the offense that brought or continued the minor under the jurisdiction of the juvenile court, or in excess of the maximum term of physical confinement set by the court, as specified. Existing law states that those provisions do not limit the power of the Board of Juvenile Hearings to retain the ward on parole status for the period permitted by specified provisions governing discharge of the person from the division.

Under existing law, the department has no further jurisdiction over a ward who is discharged by the board, except as specified. Existing law requires the committing court to establish the conditions of the ward's supervision and requires the county of commitment to supervise the reentry of the ward.

This bill would instead state that those limitations on the length of the physical confinement of a ward do not limit the power of the Board of Juvenile Hearings to discharge specified wards. The bill would authorize the committing juvenile court to retain jurisdiction and to establish the conditions of supervision of a ward upon discharge from commitment to the custody of the division. The bill would require the juvenile court to set a maximum term based upon the facts and circumstances of the matter or matters that brought or continued the ward under the jurisdiction of the court and as deemed appropriate to achieve rehabilitation.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 731 of the Welfare and Institutions Code is amended to read:

731. (a) If a minor is adjudged a ward of the court on the ground that he or she is a person described by Section 602, the court may order any of the types of treatment referred to in Sections 727 and 730 and, in addition, may do any of the following:

- (1) Order the ward to make restitution, to pay a fine up to two hundred fifty dollars (\$250) for deposit in the county treasury if the court finds that the minor has the financial ability to pay the fine, or to participate in uncompensated work programs.
- (2) Commit the ward to a sheltered-care facility.

(3) Order that the ward and his or her family or guardian participate in a program of professional counseling as arranged and directed by the probation officer as a condition of continued custody of the ward.

(4) Commit the ward to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, if the ward has committed an offense described in subdivision (b) of Section 707 or subdivision (c) of Section 290.008 of the Penal Code, and is not otherwise ineligible for commitment to the division under Section 733.

(b) The Division of Juvenile Facilities shall notify the Department of Finance when a county recalls a ward pursuant to Section 731.1. The division shall provide the department with the date the ward was recalled and the number of months the ward has served in a state facility. The division shall provide this information in the format prescribed by the department and within the timeframes established by the department.

(c) A ward committed to the Division of Juvenile Justice shall not be confined in excess of the term of confinement set by the committing court. The court shall set a maximum term based upon the facts and circumstances of the matter or matters that brought or continued the ward under the jurisdiction of the court and as deemed appropriate to achieve rehabilitation. The court shall not commit a ward to the Division of Juvenile Justice for a period that exceeds the maximum term of imprisonment that could be imposed upon an adult convicted of the same offense. This subdivision does not limit the power of the Board of Juvenile Hearings to discharge a ward committed to the Division of Juvenile Justice pursuant to Sections 1719 and 1769. Upon discharge, the committing court may retain jurisdiction of the ward pursuant to Section 607.1 and establish the conditions of supervision pursuant to subdivision (b) of Section 1766.