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# SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair

2017 - 2018 Regular

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**Bill No:** AB 2720                      **Hearing Date:** June 19, 2018  
**Author:** Waldron  
**Version:** April 11, 2018  
**Urgency:** No                                      **Fiscal:** Yes  
**Consultant:** SJ

**Subject:** *Juveniles: Juvenile Reentry*

## HISTORY

**Source:** Conference of California Bar Associations

**Prior Legislation:** SB 1020 (Committee on Budget and Fiscal Review), Ch. 40, Stats. 2012  
AB 1628 (Committee on Budget), Ch. 729, Stats. 2010

**Support:** Anti-Recidivism Coalition; California Attorneys for Criminal Justice; California Public Defenders Association; Center on Juvenile and Criminal Justice; Independent Juvenile Defender Program; Los Angeles County Board of Supervisors; National Center for Youth Law; Pacific Juvenile Defender Center; one individual

**Opposition:** California State Association of Counties; Chief Probation Officers of California

**Assembly Floor Vote:** 73 - 0

## PURPOSE

*The purpose of this bill is to allow counties to use any unexpended Juvenile Reentry Grant allocation to provide rehabilitative services for reentry youth who have been discharged from the jurisdiction of the juvenile court within the prior two years.*

*Existing law* creates the Local Revenue Fund 2011 within the State Treasury and provides that a portion of revenue generated by specified taxes must be allocated to the fund, and that other specified tax revenue may be allocated to the fund. (Gov. Code, § 30025, subd. (a).)

*Existing law* establishes the Juvenile Reentry Grant Special Account within the Local Revenue Fund 2011. (Gov. Code, § 30025, subd. (c)(2).)

*Existing law* directs each county treasurer or other appropriate official to create a County Local Revenue Fund 2011. (Gov. Code, § 30025, subd. (f)(1).)

*Existing law* directs each county treasurer or other appropriate official to create a Juvenile Justice Subaccount and the Juvenile Reentry Grant Special Account within it. (Gov. Code, § 30025, subd. (f)(5)(A) & (B).)

*Existing law* requires that all moneys in the County Local Revenue Fund 2011 for each county or city and county and its accounts be used exclusively for public safety services. (Gov. Code, § 30025, subd. (f)(9).)

*Existing law* provides that “public safety services” includes all of the following:

- Employing and training public safety officials, including law enforcement personnel, attorneys assigned to criminal proceedings, and court security staff.
- Managing local jails and providing housing, treatment, and services for, and supervision of, juvenile and adult offenders.
- Preventing child abuse, neglect, or exploitation; providing services to children and youth who are abused, neglected, or exploited, or who are at risk of abuse, neglect, or exploitation, and the families of those children; providing adoption services; and providing adult protective services.
- Providing mental health services to children and adults in order to reduce failure in school, harm to themselves and others, homelessness, and preventable incarceration or institutionalization.
- Preventing, treating, and providing recovery services for substance abuse. (Gov. Code, § 30025, subd. (i).)

*Existing law* requires that the Juvenile Reentry Grant Special Account be used to fund grants exclusively to address local program needs for persons discharged from the custody of the Division of Juvenile Justice (DJJ). (Gov. Code, 30025, subd. (f)(13)(B).)

*Existing law* requires county probation departments, in expending the Juvenile Reentry Grant allocation, to provide evidence-based supervision and detention practices and rehabilitative services to persons who are subject to the jurisdiction of the juvenile court, and who were committed to and discharged from DJJ. Defines “evidence-based” as supervision and detention policies, procedures, programs, and practices demonstrated by scientific research to reduce recidivism among individuals on probation or under postrelease supervision. (Gov. Code, 30025, subd. (f)(13)(B).)

*Existing law* requires that the funds allocated from this subaccount or special account supplement existing services and prohibits the funds from being used by local agencies to supplant any existing funding for existing services provided by those entities. Provides that the funding provided from this subaccount or special account is intended to provide payment in full for all local government costs of the supervision, programming, education, incarceration, or any other cost resulting from persons discharged from custody or held in local facilities, as specified. (Gov. Code, 30025, subd. (f)(13)(B).)

*Existing law* requires the Director of Finance to calculate the allocations for the Juvenile Reentry Grant Special Account and the allocation for each county probation department and to report those findings to the State Controller. Requires the State Controller to allocate funds from the Juvenile Reentry Special Account to each county’s appropriate account. Requires that any funds allocated shall be used solely according to the rules governing the Juvenile Reentry Grant Special Account. (Gov. Code, § 30029.11, subd. (b).)

*Existing law* establishes the Juvenile Reentry Fund and requires that funds allocated for local supervision of persons discharged from the custody of DJJ be deposited into this fund from the General Fund. Requires that any moneys deposited into this fund be administered by the Controller and the share calculated for each county probation department be transferred to its Juvenile Reentry Fund. (Welf. & Inst. Code, § 1981, subd. (a).)

*Existing law* authorizes each county to establish in each county treasury a Juvenile Reentry Fund to receive all amounts allocated to that county probation department for purposes of implementing this chapter. (Welf. & Inst. Code, § 1981, subd. (b).)

*Existing law* requires that allocations from the Juvenile Reentry Fund be expended exclusively to address local program needs for persons discharged from the custody of DJJ. Requires county probation departments, in expending the Juvenile Reentry Grant allocation, to provide evidence-based supervision and detention practices and rehabilitative services to persons who are subject to the jurisdiction of the juvenile court who were committed to and discharged from DJJ. (Welf. & Inst. Code, § 1981, subd. (c).)

*Existing law* prohibits a local agency from using Juvenile Reentry Grant funds to supplant other funding for public safety services, as defined. (Welf. & Inst. Code, § 1981, subd. (d).)

*Existing law* requires the Director of Finance to calculate the Juvenile Reentry Grant and the allocation for each county probation department, and to report those findings to the Controller. Requires the Controller to make an allocation from the Juvenile Reentry Grant to each county probation department in accordance with the report. (Welf. & Inst. Code, § 1983.)

*Existing law* provides that the amount allocated to each county probation department from the Juvenile Reentry Grant Special Account be allocated in monthly installments. (Welf. & Inst. Code, § 1984, subd. (a).)

*Existing law* provides that funds deposited in the Local Revenue Fund 2011 are continuously appropriated exclusively to fund the provision of public safety services by local agencies. Provides that funds may also be used to reimburse the state for program costs incurred in providing public safety services on behalf of local agencies. (Cal. Const., art. XIII, § 36, subd. (c)(1).)

*This bill* authorizes the use of unexpended Juvenile Reentry Grant Special Account funds to be used for rehabilitative services for reentry youth, including, but not limited to, room and board, housing assistance, and job training, to persons who have been discharged from the jurisdiction of the juvenile court within the prior two years.

*This bill* provides that it will become operative only if ACA 25 of the 2017–18 Regular Session is approved by the voters at the November 3, 2020, statewide general election.

## COMMENTS

### 1. Need for This Bill

According to the author:

The Juvenile Reentry Grant (JRG) provides funding to local governments for rehabilitative services for youths discharged from the Department of Corrections and Rehabilitation's Division of Juvenile Justice (DJJ). AB 2720 addresses the need for probation departments to access funds from the JRG for juvenile offenders who are no longer under the juvenile court's jurisdiction, but within two years of being discharged from the juvenile court's supervision. This two year extension closely mirrors the two year supervision period that was previously funded prior to the Legislature shifting juvenile parole responsibilities to the counties in 2010 (A.B. 1628, Budget Trailer Bill).

With the realignment of youth to the counties, AB 1628 realigned a floor amount of \$15,000 per youth per year to each county a juvenile is committed to ("committing county"). For each county, this funding is provided for 24 months. However, according to Department of Finance, even if the juvenile offender transfers out of the county, is arrested, meets the max age under juvenile court's jurisdiction, or probation is terminated for good behavior; the money allocated for each youth continues to the committing county and may only be used for juvenile offenders who are under juvenile court supervision. Access to rehabilitative services paid for by JRG funding to counties ceases upon the termination of court jurisdiction.

After several years of commitment, youth discharged from DJJ return to similar conditions and require rehabilitative services beyond the court the juvenile court's jurisdiction. . . .

DJJ reentry youth suffer while counties, particularly the large ones, have unexpended funds inaccessible to the youth who still need rehabilitative services. For example, according to members of the Juvenile Justice Task Force, Los Angeles County Probation has approximately \$6 million in unexpended reentry funds, while there remains a population of youth, recently released from DJJ but unable to access services funded by JRG. By extending access to the JRG funded services for these youth within two years of their court jurisdiction, the money that the county is already receiving may be used to help high risk youth counted in the system but who later transferred out.

This bill seeks to remedy this by allowing probation departments utilizing JRG funds to extend rehabilitative services to juveniles who have been discharged from the juvenile court's supervision but within two years of the court's jurisdiction (max age 25).

### 2. Background

Juvenile realignment as enacted by AB 1628 (Committee on Budget, Chapter 729, Statutes of 2010) shifted supervision of individuals discharged from DJJ from the state to the counties. By doing so, juvenile parole was eliminated, and individuals discharged from DJJ are now

supervised by county probation officers. The Juvenile Reentry Grant is a noncompetitive grant that was established to provide counties with funding to cover the costs of providing rehabilitative reentry service such as housing, mental health services, and substance abuse treatment.

Government Code section 30025 requires county probation departments, in expending the Juvenile Reentry Grant allocation, to provide evidence-based supervision and detention practices and rehabilitative services to persons who are subject to the jurisdiction of the juvenile court, and who were committed to and discharged from DJJ. Government Code section 30029.11 requires the Director of Finance to calculate the allocations for the Juvenile Reentry Grant Special Account and the allocation for each county probation department and to report those findings to the State Controller, and requires the State Controller to allocate the funds to each county probation department.

This bill seeks to allow counties to use unexpended Juvenile Reentry Grant funds to provide reentry services to individuals who have been discharged from the jurisdiction of the juvenile court within the prior two years.

This bill raises a number of questions, including:

How many counties have unexpended Juvenile Reentry Funds and what is the amount of the unexpended funds?

Should allocations from the Juvenile Reentry Fund be used to serve the population targeted in the bill, or should this be developed as a separate fund?

How will this bill work in practice? Given that the population targeted in the bill is no longer under the jurisdiction of the juvenile court and no longer under the supervision of the probation department, who will allocate the funds and how will they be managed?

### **3. Argument in Support**

According to the Conference of California Bar Associations, the sponsor of this bill:

AB 2720 would extend the time counties may use funds from the Juvenile Reentry Grant to pay for rehabilitative housing and other services for youth who have been discharged from the jurisdiction of the juvenile court within the past two years. Current law requires that the funding for these individuals from this account cease immediately upon discharge from jurisdiction of the juvenile court.

Rehabilitation and treatment, not punishment, of juvenile offenders distinguishes our juvenile system from the adult system and California's Division of Juvenile Justice (DJJ) devotes great resources educating and rehabilitating youth behavior. Youth released after a lengthy incarceration at DJJ are often older, have high school diplomas, and a strong desire to remain crime free. However, many return to high poverty/gang neighborhoods and have difficulty maintaining a positive path. Services to help youth develop job skills, access higher education, enroll in counseling, and live away from the gang are in high demand and short supply.

One important source of funding for such programs are the funds in the Juvenile Reentry Grant Special Account, which was established in 2010 to enable county probation departments to provide supervision and detention policies, procedures,

programs, and practices demonstrated by scientific research to reduce recidivism among individuals on probation or under post-release supervision. Unfortunately, the funds only can be used to fund these programs for those who are still subject to the jurisdiction of the juvenile court and on probation. Once these juveniles have successfully completed probation access to the funding from this source evaporates, even if the need remains.

By permitting the use of the Juvenile Reentry Funds for reentry services up to two years after juvenile court jurisdiction terminates, [this bill] strengthens the efficacy of county-run and county-supported services for these at-risk youth. It also better facilitates innovative programs such as those at Los Angeles' Office of Diversion and Reentry (ODR) which develops and implements county-wide criminal justice diversion and reentry services and is planning to provide reentry support to improve outcomes for felony offenders on probation. Funds allocated for reentry support will be used to provide supervision and rehabilitative services consistent with evidence-based community corrections practices and programs specifically tailored to the justice population and delivered through community partners.

#### **4. Argument in Opposition**

The Chief Probation Officers of California write:

The Juvenile Reentry Grant was established in the budget process in 2010 via AB 1628 to provide resources for county probation departments who assumed new populations and workload to supervise and assist with programming for youth returning from the State Division of Juvenile Justice facilities. It's important to note, the formula allocation was intended to infuse funding into the local system to support these new duties.

In recognition of the important role of this funding in supporting services and supervision to these youth, this fund is constitutionally protected via Proposition 30 to preserve these funds for the intended purpose. AB 2720 and the associated Assembly Constitutional Amendment would seek to undo the will of the voters in maintaining these funds for the intended purpose.

Further, it is unclear, from a jurisdictional perspective, how this would be operationalized since it would allow expenditure of funds for a population that is no longer under the jurisdiction of the court or county. This raises many concerns of how funds would be allocated, overseen, and managed to ensure funding is meeting its intended use.

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