

AB 1896 – Juvenile Last Offense: Secure Youth Treatment Facilities

Background

There are a series of criteria that must be met in order for a juvenile to be committed to a Secure Youth Treatment Facility (SYTF). Based on the plain language of the existing statute, subsequent juvenile adjudications interfere with a youth's existing commitment to a SYTF. AB 1896 would eliminate the existing obstruction for those youth already committed to a SYTF by adding provisions to the existing Welfare and Institutions Code thereby preserving a youth's eligibility.

Problem Being Addressed

With the passage of SB 823 (2020), the state closed the Division of Juvenile Justice (DJJ) and began the transfer of those juveniles to local county Secure Youth Treatment Facilities. SB 823 added a new section to Welfare and Institutions Code (§875) to authorize local counties to establish SYTF. This section articulates the specific criteria by which courts can commit youth adjudicated of offenses to a SYTF – a 707(b) offense. The criteria are intended to be a procedural mechanism crafted to prevent youth who are otherwise amenable to less restrictive dispositions from exposure to more intense forms of supervision. However, many of the criteria were simply moved over from the code section that was applicable to DJJ, and one does not make sense for placement in a SYTF. Such criteria are not needed for SYTF commitment and otherwise interfere with the meaningful adjudication and rehabilitation of SYTF eligible youth.

Specifically, one requirement stipulates that a youth offender can only be sentenced to a SYTF if their most recent offense is a 707(b)

offense, so any offense committed after that cannot be filed to secure a commitment to a SYTF. A minor offender who commits a series of offenses including a 707(b) offense cannot be prosecuted for any of those offenses that occur after in order to preserve a commitment to a SYTF.

Crimes which predate the commitment but are not discovered or “solved” prior to the commitment cannot be meaningfully adjudicated. For instance, a youth commits a series of burglaries which remain unsolved until after the commitment to SYTF has been made. The adjudication of the burglaries would necessarily be last in time thereby conflicting with current law and would result in the youth being expelled from the SYTF. Simply adjudicating a non-707(b) offense should not result in the otherwise needs based commitment to SYTF.

Summary

AB 1896 is needed to correct this inaccuracy. The addition of §875(b)(3) will not result in an increased number of individuals being committed to SYTF, rather, it will comport with the overall intent of SB 823 fostering positive youth development, promoting public and community safety, and offering fair and flexible terms of commitment.

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Supporters

Orange County District Attorney (Sponsor)