

Introduced by Senator Mitchell

February 3, 2016

An act to amend Sections 27756 and 27757 of the Government Code, to amend Sections 1203.016, 1203.1ab, and 1208.2 of the Penal Code, to amend Section 19280 of the Revenue and Taxation Code, and to amend Sections 207.2, 332, 656, 729.9, 871, 900, 903.1, and 11325.24 of, and to repeal Sections 902, 903, ~~903.1~~, 903.15, 903.2, 903.25, 903.4, 903.45, ~~903.47~~, 903.5, 903.6, 903.7, and 904 of, the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

SB 941, as amended, Mitchell. Juveniles.

(1) Existing law provides that the board of supervisors of any county may authorize the correctional administrator to offer a program under which inmates committed to a county jail or other county correctional facility or granted probation, or inmates participating in a work furlough program, may voluntarily participate or involuntarily be placed in a home detention program during their sentence in lieu of confinement ~~in the a~~ county jail or other county correctional facility or program. Existing law authorizes the board of supervisors to prescribe a program administrative fee and an application fee for this program.

This bill would make those fees payable only by adult participants of that home detention ~~program~~. *program who are over 21 years of age and under the jurisdiction of the criminal court.*

(2) Existing law provides that upon conviction of certain offenses involving controlled substances, or upon a finding that a minor is subject to the jurisdiction of the juvenile court by reason of committing one of

those certain offenses, the court, when recommended by the probation officer, shall require, as a condition of probation, that the defendant or the minor not use or be under the influence of any controlled substance and submit to drug and substance abuse testing as directed by the probation officer, unless the court makes a finding that this condition would not serve the interests of justice. Existing law requires the court to order the defendant or the minor to pay a reasonable fee, not to exceed the actual cost of the testing, if the defendant or the minor is required to submit to testing and has the financial ability to pay all or part of those costs.

This bill would authorize the court to order a defendant to pay that reasonable fee only if the defendant is an ~~adult~~ *adult who is over 21 years of age and under the jurisdiction of the criminal court*. The bill would also delete the authorization to charge the minor that reasonable fee. By increasing county costs associated with drug and substance abuse testing, this bill would impose a state-mandated local program.

(3) Existing law requires specified orders providing for the care and custody of a ward, dependent child, or other minor person to direct that the whole expense of support and maintenance of the minor, up to the amount of \$20 per month, be paid from the county treasury. Existing law authorizes the board of supervisors of each county to establish a maximum amount that the court may order the county to pay for that support and maintenance and authorizes the court to direct that an amount up to that maximum amount be paid.

This bill would delete the \$20 maximum on support and maintenance payments and delete county boards of supervisors authorization to establish a maximum amount that the court may order the county to pay. By increasing county funding obligations, this bill would impose a state-mandated local program.

(4) Existing law generally imposes liability on a parent, spouse, or other person liable for the support of a minor for certain costs, including the reasonable costs of transporting the minor to a juvenile facility and for the costs of the minor's food, shelter, and care at the juvenile facility when the minor has been held in temporary custody, as specified, and certain other circumstances are applicable; the reasonable costs of supporting the minor when he or she is placed, detained in, committed to, any institution or other place pursuant to specified provisions of law or pursuant to an order of the juvenile court; the cost of the legal services rendered to the minor by an attorney pursuant to an order of the juvenile court; and the cost of probation supervision, home supervision, or

electronic surveillance of the minor, pursuant to the order of the juvenile court.

This bill would repeal these ~~provisions~~. *provisions and specify that, on and after January 1, 2017, the balance of any court-ordered costs imposed pursuant those provisions is unenforceable and uncollectable. The bill would, on January 1, 2018, require the portion of the judgment imposing those costs to be vacated.* The bill would make other conforming changes. By increasing county funding obligations, this bill would impose a state-mandated local program.

(5) Existing law establishes the Foster Children and Parent Training Fund in the State Treasury for purposes of supporting foster parent training programs conducted by community colleges. Existing law makes this fund inoperative after June 30, 2005, unless otherwise specified in the annual Budget Act or in another statute.

This bill would repeal those provisions.

(6) Existing federal law provides for allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) block grant program to eligible states, known in California as the California Work Opportunity and Responsibility to Kids (CalWORKs) program. Under the CalWORKs program, each county provides cash assistance and other benefits to qualified low-income families and individuals who meet specified eligibility criteria. Existing law requires, with certain exceptions, every individual, as a condition of eligibility for aid under the CalWORKs program, to participate in welfare-to-work activities. Existing law authorizes a recipient to participate in family stabilization if the county determines that his or her family is experiencing an identified situation or crisis that is destabilizing the family and would interfere with participation in welfare-to-work activities and services. Existing law specifies that a situation or crisis that is destabilizing the family may include, but is not limited to, homelessness or imminent risk of homelessness.

This bill would also specify that a situation or crisis that is destabilizing the family includes when a child in the family has been held in temporary custody in a law enforcement facility, as specified.

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

1 SECTION 1. Section 27756 of the Government Code is
2 amended to read:

3 27756. In a county where the board of supervisors has
4 designated a county financial evaluation officer, the county
5 financial evaluation officer shall make financial evaluations of
6 parental liability for reimbursements and other court-ordered costs
7 pursuant to ~~Section~~ *Sections 903.1 and 903.3* of the Welfare and
8 Institutions Code, as directed by the board of supervisors, or as
9 established by order of the juvenile court, and may enforce the
10 court order as any other civil judgment, including any balance
11 remaining unpaid after jurisdiction of the minor has terminated.

12 SEC. 2. Section 27757 of the Government Code is amended
13 to read:

14 27757. Except as otherwise ordered by the juvenile court, a
15 county financial evaluation officer, upon satisfactory proof, may
16 reduce, cancel, or remit the costs and charges listed in ~~Section~~
17 *Sections 903.1 and 903.3* of the Welfare and Institutions Code, or
18 established by order of the juvenile court.

19 SEC. 3. Section 1203.016 of the Penal Code is amended to
20 read:

21 1203.016. (a) Notwithstanding any other law, the board of
22 supervisors of any county may authorize the correctional
23 administrator, as defined in subdivision (h), to offer a program
24 under which inmates committed to a county jail or other county
25 correctional facility or granted probation, or inmates participating
26 in a work furlough program, may voluntarily participate or
27 involuntarily be placed in a home detention program during their
28 sentence in lieu of confinement in ~~the~~ *a* county jail or other county
29 correctional facility or program under the auspices of the probation
30 officer.

1 (b) The board of supervisors, in consultation with the
2 correctional administrator, may prescribe reasonable rules and
3 regulations under which a home detention program may operate.
4 As a condition of participation in the home detention program, the
5 inmate shall give his or her consent in writing to participate in the
6 home detention program and shall in writing agree to comply or,
7 for involuntary participation, the inmate shall be informed in
8 writing that he or she shall comply, with the rules and regulations
9 of the program, including, but not limited to, the following rules:

10 (1) The participant shall remain within the interior premises of
11 his or her residence during the hours designated by the correctional
12 administrator.

13 (2) The participant shall admit any person or agent designated
14 by the correctional administrator into his or her residence at any
15 time for purposes of verifying the participant's compliance with
16 the conditions of his or her detention.

17 (3) The participant shall agree to the use of electronic
18 monitoring, which may include global positioning system devices
19 or other supervising devices for the purpose of helping to verify
20 his or her compliance with the rules and regulations of the home
21 detention program. The devices shall not be used to eavesdrop or
22 record any conversation, except a conversation between the
23 participant and the person supervising the participant which is to
24 be used solely for the purposes of voice identification.

25 (4) The participant shall agree that the correctional administrator
26 in charge of the county correctional facility from which the
27 participant was released may, without further order of the court,
28 immediately retake the person into custody to serve the balance
29 of his or her sentence if the electronic monitoring or supervising
30 devices are unable for any reason to properly perform their function
31 at the designated place of home detention, if the person fails to
32 remain within the place of home detention as stipulated in the
33 agreement, if the person willfully fails to pay fees to the provider
34 of electronic home detention services, as stipulated in the
35 agreement, subsequent to the written notification of the participant
36 that the payment has not been received and that return to custody
37 may result, or if the person for any other reason no longer meets
38 the established criteria under this section. A copy of the agreement
39 shall be delivered to the participant and a copy retained by the
40 correctional administrator.

1 (c) Whenever the peace officer supervising a participant has
2 reasonable cause to believe that the participant is not complying
3 with the rules or conditions of the program, or that the electronic
4 monitoring devices are unable to function properly in the
5 designated place of confinement, the peace officer may, under
6 general or specific authorization of the correctional administrator,
7 and without a warrant of arrest, retake the person into custody to
8 complete the remainder of the original sentence.

9 (d) Nothing in this section shall be construed to require the
10 correctional administrator to allow a person to participate in this
11 program if it appears from the record that the person has not
12 satisfactorily complied with reasonable rules and regulations while
13 in custody. A person shall be eligible for participation in a home
14 detention program only if the correctional administrator concludes
15 that the person meets the criteria for release established under this
16 section and that the person's participation is consistent with any
17 reasonable rules and regulations prescribed by the board of
18 supervisors or the administrative policy of the correctional
19 administrator.

20 (1) The rules and regulations and administrative policy of the
21 program shall be written and reviewed on an annual basis by the
22 county board of supervisors and the correctional administrator.
23 The rules and regulations shall be given to or made available to
24 any participant upon request.

25 (2) The correctional administrator, or his or her designee, shall
26 have the sole discretionary authority to permit program
27 participation as an alternative to physical custody. All persons
28 referred or recommended by the court to participate in the home
29 detention program pursuant to subdivision (e) who are denied
30 participation or all persons removed from program participation
31 shall be notified in writing of the specific reasons for the denial
32 or removal. The notice of denial or removal shall include the
33 participant's appeal rights, as established by program administrative
34 policy.

35 (e) The court may recommend or refer a person to the
36 correctional administrator for consideration for placement in the
37 home detention program. The recommendation or referral of the
38 court shall be given great weight in the determination of acceptance
39 or denial. At the time of sentencing or at any time that the court

1 deems it necessary, the court may restrict or deny the defendant’s
2 participation in a home detention program.

3 (f) The correctional administrator may permit home detention
4 program participants to seek and retain employment in the
5 community, attend psychological counseling sessions or
6 educational or vocational training classes, or seek medical and
7 dental assistance. Willful failure of the program participant to
8 return to the place of home detention not later than the expiration
9 of any period of time during which he or she is authorized to be
10 away from the place of home detention pursuant to this section
11 and unauthorized departures from the place of home detention are
12 punishable as provided in Section 4532.

13 (g) The board of supervisors may prescribe a program
14 administrative fee to be paid by each adult home detention
15 participant *who is over 21 years of age and under the jurisdiction*
16 *of the criminal court* that shall be determined according to his or
17 her ability to pay. Inability to pay all or a portion of the program
18 fees shall not preclude participation in the program, and eligibility
19 shall not be enhanced by reason of ability to pay. All program
20 administration and supervision fees shall be administered in
21 compliance with Section 1208.2.

22 (h) As used in this section, “correctional administrator” means
23 the sheriff, probation officer, or director of the county department
24 of corrections.

25 (i) Notwithstanding any other law, the police department of a
26 city where an office is located to which persons on an electronic
27 monitoring program report may request the county correctional
28 administrator to provide information concerning those persons.
29 This information shall be limited to the name, address, date of
30 birth, offense committed by the home detainee, and if available,
31 at the discretion of the supervising agency and solely for
32 investigatory purposes, current and historical GPS coordinates of
33 the home detainee. A law enforcement department that does not
34 have the primary responsibility to supervise participants in the
35 electronic monitoring program that receives information pursuant
36 to this subdivision shall not use the information to conduct
37 enforcement actions based on administrative violations of the home
38 detention program. A law enforcement department that has
39 knowledge that the subject in a criminal investigation is a
40 participant in an electronic monitoring program shall make

1 reasonable efforts to notify the supervising agency prior to serving
2 a warrant or taking any law enforcement action against a participant
3 in an electronic monitoring program.

4 (j) It is the intent of the Legislature that home detention
5 programs established under this section maintain the highest public
6 confidence, credibility, and public safety. In the furtherance of
7 these standards, the following shall apply:

8 (1) The correctional administrator, with the approval of the
9 board of supervisors, may administer a home detention program
10 pursuant to written contracts with appropriate public or private
11 agencies or entities to provide specified program services. No
12 public or private agency or entity may operate a home detention
13 program in any county without a written contract with that county's
14 correctional administrator. However, this does not apply to the use
15 of electronic monitoring by the Department of Corrections and
16 Rehabilitation. No public or private agency or entity entering into
17 a contract may itself employ any person who is in the home
18 detention program.

19 (2) Program acceptance shall not circumvent the normal booking
20 process for sentenced offenders. All home detention program
21 participants shall be supervised.

22 (3) (A) All privately operated home detention programs shall
23 be under the jurisdiction of, and subject to the terms and conditions
24 of the contract entered into with, the correctional administrator.

25 (B) Each contract shall include, but not be limited to, all of the
26 following:

27 (i) A provision whereby the private agency or entity agrees to
28 operate in compliance with any available standards promulgated
29 by state correctional agencies and bodies, including the Corrections
30 Standards Authority, and all statutory provisions and mandates,
31 state and county, as appropriate and applicable to the operation of
32 home detention programs and the supervision of sentenced
33 offenders in a home detention program.

34 (ii) A provision that clearly defines areas of respective
35 responsibility and liability of the county and the private agency or
36 entity.

37 (iii) A provision that requires the private agency or entity to
38 demonstrate evidence of financial responsibility, submitted and
39 approved by the board of supervisors, in amounts and under
40 conditions sufficient to fully indemnify the county for reasonably

1 foreseeable public liability, including legal defense costs, that may
2 arise from, or be proximately caused by, acts or omissions of the
3 contractor. The contract shall provide for annual review by the
4 correctional administrator to ensure compliance with requirements
5 set by the board of supervisors and for adjustment of the financial
6 responsibility requirements if warranted by caseload changes or
7 other factors.

8 (iv) A provision that requires the private agency or entity to
9 provide evidence of financial responsibility, such as certificates
10 of insurance or copies of insurance policies, prior to commencing
11 any operations pursuant to the contract or at any time requested
12 by the board of supervisors or correctional administrator.

13 (v) A provision that permits the correctional administrator to
14 immediately terminate the contract with a private agency or entity
15 at any time that the contractor fails to demonstrate evidence of
16 financial responsibility.

17 (C) All privately operated home detention programs shall
18 comply with all appropriate, applicable ordinances and regulations
19 specified in subdivision (a) of Section 1208.

20 (D) The board of supervisors, the correctional administrator,
21 and the designee of the correctional administrator shall comply
22 with Section 1090 of the Government Code in the consideration,
23 making, and execution of contracts pursuant to this section.

24 (E) The failure of the private agency or entity to comply with
25 statutory provisions and requirements or with the standards
26 established by the contract and with the correctional administrator
27 may be sufficient cause to terminate the contract.

28 (F) Upon the discovery that a private agency or entity with
29 whom there is a contract is not in compliance pursuant to this
30 paragraph, the correctional administrator shall give 60 days' notice
31 to the director of the private agency or entity that the contract may
32 be canceled if the specified deficiencies are not corrected.

33 (G) Shorter notice may be given or the contract may be canceled
34 without notice whenever a serious threat to public safety is present
35 because the private agency or entity has failed to comply with this
36 section.

37 (k) For purposes of this section, "evidence of financial
38 responsibility" may include, but is not limited to, certified copies
39 of any of the following:

40 (1) A current liability insurance policy.

1 (2) A current errors and omissions insurance policy.

2 (3) A surety bond.

3 SEC. 4. Section 1203.1ab of the Penal Code is amended to
4 read:

5 1203.1ab. Upon conviction of any offense involving the
6 unlawful possession, use, sale, or other furnishing of any controlled
7 substance, as defined in Chapter 2 (commencing with Section
8 11053) of Division 10 of the Health and Safety Code, in addition
9 to any or all of the terms of imprisonment, fine, and other
10 reasonable conditions specified in or permitted by Section 1203.1,
11 unless it makes a finding that this condition would not serve the
12 interests of justice, the court, when recommended by the probation
13 officer, shall require as a condition of probation that the defendant
14 shall not use or be under the influence of any controlled substance
15 and shall submit to drug and substance abuse testing as directed
16 by the probation officer. If the defendant is an ~~adult~~, *adult over 21*
17 *years of age and under the jurisdiction of the criminal court*, is
18 required to submit to testing, and has the financial ability to pay
19 all or part of the costs associated with that testing, the court shall
20 order the defendant to pay a reasonable fee, which shall not exceed
21 the actual cost of the testing.

22 SEC. 5. Section 1208.2 of the Penal Code is amended to read:

23 1208.2. (a) (1) This section shall apply to individuals
24 authorized to participate in a work furlough program pursuant to
25 Section 1208, or to individuals authorized to participate in an
26 electronic home detention program pursuant to Section 1203.016
27 or 1203.018, or to individuals authorized to participate in a county
28 parole program pursuant to Article 3.5 (commencing with Section
29 3074) of Chapter 8 of Title 1 of Part 3.

30 (2) As used in this section, as appropriate, “administrator” means
31 the sheriff, probation officer, director of the county department of
32 corrections, or county parole administrator.

33 (b) (1) A board of supervisors which implements programs
34 identified in paragraph (1) of subdivision (a), may prescribe a
35 program administrative fee and an application fee, that together
36 shall not exceed the pro rata cost of the program to which the
37 person is accepted, including equipment, supervision, and other
38 operating costs, except as provided in paragraphs (2) and (3).

39 (2) With regard to a privately operated electronic home detention
40 program pursuant to Section 1203.016 or 1203.018, the limitation,

1 described in paragraph (1), in prescribing a program administrative
2 fee and application fee shall not apply.

3 (3) With regard to an electronic home detention program
4 operated pursuant Section 1203.016, whether or not the program
5 is privately operated, any administrative fee or application fee
6 prescribed by a board of supervisors shall ~~not apply to minors~~
7 ~~participating in the program.~~ *only apply to adults over 21 years of*
8 *age and under the jurisdiction of the criminal court.*

9 (c) The correctional administrator, or his or her designee, shall
10 not have access to a person's financial data prior to granting or
11 denying a person's participation in, or assigning a person to, any
12 of the programs governed by this section.

13 (d) The correctional administrator, or his or her designee, shall
14 not consider a person's ability or inability to pay all or a portion
15 of the program fee for the purposes of granting or denying a
16 person's participation in, or assigning a person to, any of the
17 programs governed by this section.

18 (e) For purposes of this section, "ability to pay" means the
19 overall capability of the person to reimburse the costs, or a portion
20 of the costs, of providing supervision and shall include, but shall
21 not be limited to, consideration of all of the following factors:

22 (1) Present financial position.

23 (2) Reasonably discernible future financial position. In no event
24 shall the administrator, or his or her designee, consider a period
25 of more than six months from the date of acceptance into the
26 program for purposes of determining reasonably discernible future
27 financial position.

28 (3) Likelihood that the person shall be able to obtain
29 employment within the six-month period from the date of
30 acceptance into the program.

31 (4) Any other factor that may bear upon the person's financial
32 capability to reimburse the county for the fees fixed pursuant to
33 subdivision (b).

34 (f) The administrator, or his or her designee, may charge a
35 person the fee set by the board of supervisors or any portion of the
36 fee and may determine the method and frequency of payment. Any
37 fee the administrator, or his or her designee, charges pursuant to
38 this section shall not in any case be in excess of the fee set by the
39 board of supervisors and shall be based on the person's ability to
40 pay. The administrator, or his or her designee, shall have the option

1 to waive the fees for program supervision when deemed necessary,
2 justified, or in the interests of justice. The fees charged for program
3 supervision may be modified or waived at any time based on the
4 changing financial position of the person. All fees paid by persons
5 for program supervision shall be deposited into the general fund
6 of the county.

7 (g) No person shall be denied consideration for, or be removed
8 from, participation in any of the programs to which this section
9 applies because of an inability to pay all or a portion of the program
10 supervision fees. At any time during a person's sentence, the person
11 may request that the administrator, or his or her designee, modify
12 or suspend the payment of fees on the grounds of a change in
13 circumstances with regard to the person's ability to pay.

14 (h) If the person and the administrator, or his or her designee,
15 are unable to come to an agreement regarding the person's ability
16 to pay, or the amount which is to be paid, or the method and
17 frequency with which payment is to be made, the administrator,
18 or his or her designee, shall advise the appropriate court of the fact
19 that the person and administrator, or his or her designee, have not
20 been able to reach agreement and the court shall then resolve the
21 disagreement by determining the person's ability to pay, the amount
22 which is to be paid, and the method and frequency with which
23 payment is to be made.

24 (i) At the time a person is approved for any of the programs to
25 which this section applies, the administrator, or his or her designee,
26 shall furnish the person a written statement of the person's rights
27 in regard to the program for which the person has been approved,
28 including, but not limited to, both of the following:

29 (1) The fact that the person cannot be denied consideration for
30 or removed from participation in the program because of an
31 inability to pay.

32 (2) The fact that if the person is unable to reach agreement with
33 the administrator, or his or her designee, regarding the person's
34 ability to pay, the amount which is to be paid, or the manner and
35 frequency with which payment is to be made, that the matter shall
36 be referred to the court to resolve the differences.

37 (j) In all circumstances where a county board of supervisors has
38 approved a program administrator, as described in Section
39 1203.016, 1203.018, or 1208, to enter into a contract with a private
40 agency or entity to provide specified program services, the program

1 administrator shall ensure that the provisions of this section are
2 contained within any contractual agreement for this purpose. All
3 privately operated home detention programs shall comply with all
4 appropriate, applicable ordinances and regulations specified in
5 subdivision (a) of Section 1208.

6 ~~SEC. 6. Section 19280 of the Revenue and Taxation Code is~~
7 ~~amended to read:~~

8 ~~19280. (a) (1) Fines, state or local penalties, bail, forfeitures,~~
9 ~~restitution fines, restitution orders, or any other amounts imposed~~
10 ~~by a juvenile or superior court of the State of California upon a~~
11 ~~person or any other entity that are due and payable in an amount~~
12 ~~totaling no less than one hundred dollars (\$100), in the aggregate,~~
13 ~~for criminal offenses, including all offenses involving a violation~~
14 ~~of the Vehicle Code, may, no sooner than 90 days after payment~~
15 ~~of that amount becomes delinquent, be referred by the juvenile or~~
16 ~~superior court, the county, or the state to the Franchise Tax Board~~
17 ~~for collection under guidelines prescribed by the Franchise Tax~~
18 ~~Board. Unless the victim of the crime notifies the Department of~~
19 ~~Corrections and Rehabilitation or county to the contrary, the~~
20 ~~Department of Corrections and Rehabilitation or county may refer~~
21 ~~a restitution order to the Franchise Tax Board, in accordance with~~
22 ~~subparagraph (B) of paragraph (2), for any person subject to the~~
23 ~~restitution order who is or has been under the jurisdiction of the~~
24 ~~Department of Corrections and Rehabilitation or county.~~

25 ~~(2) For purposes of this subdivision:~~

26 ~~(A) The amounts referred by the juvenile or superior court, the~~
27 ~~county, or the state under this section may include an administrative~~
28 ~~fee and any amounts that a government entity may add to the~~
29 ~~court-imposed obligation as a result of the underlying offense,~~
30 ~~trial, or conviction. For purposes of this article, those amounts~~
31 ~~shall be deemed to be imposed by the court.~~

32 ~~(B) Restitution orders may be referred to the Franchise Tax~~
33 ~~Board only by a government entity, as agreed upon by the~~
34 ~~Franchise Tax Board, provided that all of the following apply:~~

35 ~~(i) The government entity has the authority to collect on behalf~~
36 ~~of the state or the victim.~~

37 ~~(ii) The government entity shall be responsible for distributing~~
38 ~~the restitution order collections, as appropriate.~~

39 ~~(iii) The government entity shall ensure, in making the referrals~~
40 ~~and distributions, that it coordinates with any other related~~

1 collection activities that may occur by superior courts, counties,
2 or other state agencies.

3 (iv) The government entity shall ensure compliance with laws
4 relating to the reimbursement of the State Restitution Fund.

5 (C) The Franchise Tax Board shall establish criteria for referral
6 that shall include setting forth a minimum dollar amount subject
7 to referral and collection.

8 (b) The Franchise Tax Board, in conjunction with the Judicial
9 Council, shall seek whatever additional resources are needed to
10 accept referrals from all 58 counties or superior courts.

11 (e) Upon written notice to the debtor from the Franchise Tax
12 Board, any amount referred to the Franchise Tax Board under
13 subdivision (a) and any interest thereon, including any interest on
14 the amount referred under subdivision (a) that accrued prior to the
15 date of referral, shall be treated as final and due and payable to the
16 State of California, and shall be collected from the debtor by the
17 Franchise Tax Board in any manner authorized under the law for
18 collection of a delinquent personal income tax liability, including,
19 but not limited to, issuance of an order and levy under Article 4
20 (commencing with Section 706.070) of Chapter 5 of Division 2
21 of Title 9 of Part 2 of the Code of Civil Procedure in the manner
22 provided for earnings withholding orders for taxes.

23 (d) (1) Part 10 (commencing with Section 17001), this part,
24 Part 10.7 (commencing with Section 21001), and Part 11
25 (commencing with Section 23001) shall apply to amounts referred
26 under this article in the same manner and with the same force and
27 effect and to the full extent as if the language of those laws had
28 been incorporated in full into this article, except to the extent that
29 any provision is either inconsistent with this article or is not
30 relevant to this article.

31 (2) Any information, information sources, or enforcement
32 remedies and capabilities available to the court or the state referring
33 to the amount due described in subdivision (a) shall be available
34 to the Franchise Tax Board to be used in conjunction with, or
35 independent of, the information, information sources, or remedies
36 and capabilities available to the Franchise Tax Board for purposes
37 of administering Part 10 (commencing with Section 17001), this
38 part, Part 10.7 (commencing with Section 21001), or Part 11
39 (commencing with Section 23001).

1 ~~(e) The activities required to implement and administer this part~~
2 ~~shall not interfere with the primary mission of the Franchise Tax~~
3 ~~Board to administer Part 10 (commencing with Section 17001)~~
4 ~~and Part 11 (commencing with Section 23001):~~

5 ~~(f) For amounts referred for collection under subdivision (a),~~
6 ~~interest shall accrue at the greater of the rate applicable to the~~
7 ~~amount due being collected or the rate provided under Section~~
8 ~~19521. When notice of the amount due includes interest and is~~
9 ~~mailed to the debtor and the amount is paid within 15 days after~~
10 ~~the date of notice, interest shall not be imposed for the period after~~
11 ~~the date of notice.~~

12 ~~(g) A collection under this article is not a payment of income~~
13 ~~taxes imposed under Part 10 (commencing with Section 17001)~~
14 ~~or Part 11 (commencing with Section 23001):~~

15 ~~SEC. 7.~~

16 *SEC. 6.* Section 207.2 of the Welfare and Institutions Code is
17 amended to read:

18 207.2. A minor who is held in temporary custody in a law
19 enforcement facility that contains a lockup for adults pursuant to
20 subdivision (d) of Section 207.1 may be released to a parent,
21 guardian, or responsible relative by the law enforcement agency
22 operating the facility, or may at the discretion of the law
23 enforcement agency be released into his or her own custody,
24 provided that a minor released into his or her own custody is
25 furnished, upon request, with transportation to his or her home or
26 to the place where the minor was taken into custody.

27 ~~SEC. 8.~~

28 *SEC. 7.* Section 332 of the Welfare and Institutions Code is
29 amended to read:

30 332. A petition to commence proceedings in the juvenile court
31 to declare a child a ward or a dependent child of the court shall be
32 verified and shall contain all of the following:

33 (a) The name of the court to which it is addressed.

34 (b) The title of the proceeding.

35 (c) The code section and the subdivision under which the
36 proceedings are instituted. If it is alleged that the child is a person
37 described by subdivision (e) of Section 300, the petition shall
38 include an allegation pursuant to that section.

39 (d) The name, age, and address, if any, of the child upon whose
40 behalf the petition is brought.

1 (e) The names and residence addresses, if known to the
2 petitioner, of both parents and any guardian of the child. If there
3 is no parent or guardian residing within the state, or if his or her
4 place of residence is not known to the petitioner, the petition shall
5 also contain the name and residence address, if known, of any
6 adult relative residing within the county, or, if there is none, the
7 adult relative residing nearest to the location of the court. If it is
8 known to the petitioner that one of the parents is a victim of
9 domestic violence and that parent is currently living separately
10 from the batterer-parent, the address of the victim-parent shall
11 remain confidential.

12 (f) A concise statement of facts, separately stated, to support
13 the conclusion that the child upon whose behalf the petition is
14 being brought is a person within the definition of each of the
15 sections and subdivisions under which the proceedings are being
16 instituted.

17 (g) The fact that the child upon whose behalf the petition is
18 brought is detained in custody or is not detained in custody, and
19 if he or she is detained in custody, the date and the precise time
20 the child was taken into custody.

21 (h) *A notice to the father, mother, spouse, or other person liable*
22 *for support of the child stating that Section 903.1 makes that*
23 *person, the estate of that person, and the estate of the child liable*
24 *for the cost to the county of legal services rendered to the child or*
25 *the parent by a private attorney or a public defender appointed*
26 *pursuant to the order of the juvenile court and that the liability*
27 *established by Section 903.1 is joint and several.*

28 ~~SEC. 9.~~

29 *SEC. 8.* Section 656 of the Welfare and Institutions Code is
30 amended to read:

31 656. A petition to commence proceedings in the juvenile court
32 to declare a minor a ward of the court shall be verified and shall
33 contain all of the following:

34 (a) The name of the court to which it is addressed.

35 (b) The title of the proceeding.

36 (c) The code section and subdivision under which the
37 proceedings are instituted.

38 (d) The name, age, and address, if any, of the minor upon whose
39 behalf the petition is brought.

1 (e) The names and residence addresses, if known to the
2 petitioner, of both of the parents and any guardian of the minor.
3 If there is no parent or guardian residing within the state, or if his
4 or her place of residence is not known to the petitioner, the petition
5 shall also contain the name and residence address, if known, of
6 any adult relative residing within the county, or, if there are none,
7 the adult relative residing nearest to the location of the court.

8 (f) A concise statement of facts, separately stated, to support
9 the conclusion that the minor upon whose behalf the petition is
10 being brought is a person within the definition of each of the
11 sections and subdivisions under which the proceedings are being
12 instituted.

13 (g) The fact that the minor upon whose behalf the petition is
14 brought is detained in custody or is not detained in custody, and
15 if he or she is detained in custody, the date and the precise time
16 the minor was taken into custody.

17 (h) *A notice to the father, mother, spouse, or other person liable*
18 *for support of the minor child stating that Section 903.1 may make*
19 *that person, the estate of that person, and the estate of the minor*
20 *child liable for the cost to the county of legal services rendered to*
21 *the minor by a private attorney or a public defender appointed*
22 *pursuant to the order of the juvenile court and that the liability*
23 *established by Section 903.1 is joint and several.*

24 ~~(h)~~

25 (i) In a proceeding alleging that the minor comes within Section
26 601, notice to the parent, guardian, or other person having control
27 or charge of the minor that failure to comply with the compulsory
28 school attendance laws is an infraction, which may be charged and
29 prosecuted before the juvenile court judge sitting as a superior
30 court judge. In those cases, the petition shall also include notice
31 that the parent, guardian, or other person having control or charge
32 of the minor has the right to a hearing on the infraction before a
33 judge different than the judge who has heard or is to hear the
34 proceeding pursuant to Section 601. The notice shall explain the
35 provisions of Section 170.6 of the Code of Civil Procedure.

36 ~~(i)~~

37 (j) If a proceeding is pending against a minor child for a
38 violation of Section 594.2, 640.5, 640.6, or 640.7 of the Penal
39 Code, a notice to the parent or legal guardian of the minor that if
40 the minor is found to have violated either or both of these

1 provisions that (1) any community service which may be required
2 of the minor may be performed in the presence, and under the
3 direct supervision, of the parent or legal guardian pursuant to either
4 or both of these provisions, and (2) if the minor is personally unable
5 to pay any fine levied for the violation of either or both of these
6 provisions, that the parent or legal guardian of the minor shall be
7 liable for payment of the fine pursuant to those sections.

8 (j)

9 (k) A notice to the parent or guardian of the minor that if the
10 minor is ordered to make restitution to the victim pursuant to
11 Section 729.6, as operative on or before August 2, 1995, Section
12 731.1, as operative on or before August 2, 1995, or Section 730.6,
13 or to pay fines or penalty assessments, the parent or guardian may
14 be liable for the payment of restitution, fines, or penalty
15 assessments.

16 ~~SEC. 10.~~

17 *SEC. 9.* Section 729.9 of the Welfare and Institutions Code is
18 amended to read:

19 729.9. If a minor is found to be a person described in Section
20 602 by reason of the commission of an offense involving the
21 unlawful possession, use, sale, or other furnishing of a controlled
22 substance, as defined in Chapter 2 (commencing with Section
23 11053) of Division 10 of the Health and Safety Code, and, unless
24 it makes a finding that this condition would not serve the interests
25 of justice, the court, when recommended by the probation officer,
26 shall require, as a condition of probation, in addition to any other
27 disposition authorized by law, that the minor shall not use or be
28 under the influence of any controlled substance and shall submit
29 to drug and substance abuse testing as directed by the probation
30 officer.

31 ~~SEC. 11.~~

32 *SEC. 10.* Section 871 of the Welfare and Institutions Code is
33 amended to read:

34 871. (a) Any person under the custody of a probation officer
35 or any peace officer in a county juvenile hall, or committed to a
36 county juvenile ranch, camp, forestry camp, or regional facility,
37 who escapes or attempts to escape from the institution or facility
38 in which he or she is confined, who escapes or attempts to escape
39 while being conveyed to or from such an institution or facility, or
40 who escapes or attempts to escape while outside or away from

1 such an institution or facility while under the custody of a probation
2 officer or any peace officer, is guilty of a misdemeanor, punishable
3 by imprisonment in ~~the~~ a county jail not exceeding one year.

4 (b) Any person who commits any of the acts described in
5 subdivision (a) by use of force or violence shall be punished by
6 imprisonment in a county jail for not more than one year or by
7 imprisonment in the state prison.

8 (c) The willful failure of a person under the custody of a
9 probation officer or any peace officer in a county juvenile hall, or
10 committed to a county juvenile ranch camp, or forestry camp, to
11 return to the county juvenile hall, ranch, camp, or forestry camp
12 at the prescribed time while outside or away from the county
13 facility on furlough or temporary release constitutes an escape
14 punishable as provided in subdivision (a). However, a willful
15 failure to return at the prescribed time shall not be considered an
16 escape if the failure to return was reasonable under the
17 circumstances.

18 (d) A minor who, while under the supervision of a probation
19 officer, removes his or her electronic monitor without authority
20 and who, for more than 48 hours, violates the terms and conditions
21 of his or her probation relating to the proper use of the electronic
22 monitor shall be guilty of a misdemeanor. If an electronic monitor
23 is damaged or discarded while in the possession of the minor,
24 restitution for the cost of replacing the unit may be ordered as part
25 of the punishment.

26 (e) The liability established by this section shall be limited by
27 the financial ability of the person or persons ordered to pay
28 restitution under this section, who shall, upon request, be entitled
29 to an evaluation and determination of ability to pay.

30 (f) For purposes of this section, “regional facility” means any
31 facility used by one or more public entities for the confinement of
32 juveniles for more than 24 hours.

33 ~~SEC. 12.~~

34 *SEC. 11.* Section 900 of the Welfare and Institutions Code is
35 amended to read:

36 900. (a) If it is necessary that provision be made for the
37 expense of support and maintenance of a ward or dependent child
38 of the juvenile court or of a minor person concerning whom a
39 petition has been filed in accordance with ~~the provisions of~~ this
40 chapter, the order providing for the care and custody of ~~such~~ *the*

1 ward, dependent ~~child~~ *child*, or other minor person shall direct that
 2 the whole expense of support and maintenance of ~~such~~ *the* ward,
 3 dependent ~~child~~ *child*, or other minor person be paid from the
 4 county treasury. All orders made pursuant to ~~the provisions of this~~
 5 section shall state the amounts to be ~~so~~ paid from the county
 6 treasury, and ~~such~~ *those* amounts shall constitute legal charges
 7 against the county.

8 (b) This section is applicable to a minor who is the subject of a
 9 program of supervision undertaken by the probation department
 10 pursuant to Section 301 or 654 and who is temporarily placed out
 11 of his *or her* home by the probation department, with the approval
 12 of the court and the minor's parent or guardian, for a period not
 13 to exceed seven days.

14 ~~SEC. 13.~~

15 *SEC. 12.* Section 902 of the Welfare and Institutions Code is
 16 repealed.

17 ~~SEC. 14.~~

18 *SEC. 13.* Section 903 of the Welfare and Institutions Code is
 19 repealed.

20 ~~SEC. 15.~~ Section 903.1 of the Welfare and Institutions Code
 21 is repealed.

22 *SEC. 14.* Section 903.1 of the Welfare and Institutions Code
 23 is amended to read:

24 ~~903.1. (a) The father, mother, spouse, or other person liable~~
 25 ~~for the support of a minor, the estate of that person, and the estate~~
 26 ~~of the minor, shall be liable for the cost to the county or the court,~~
 27 ~~whichever entity incurred the expenses, of legal services rendered~~
 28 ~~to the minor by an attorney pursuant to an order of the juvenile~~
 29 ~~court. The~~

30 *903.1. (a) The* father, mother, spouse, or other person liable
 31 for the support of a minor and the estate of that person shall ~~also~~
 32 be liable for any cost to the county or the court of legal services
 33 rendered directly to the father, mother, or spouse, of the minor or
 34 any other person liable for the support of the minor, in a
 35 dependency proceeding by an attorney appointed pursuant to an
 36 order of the juvenile court. The liability of those persons (in this
 37 article called relatives) and estates shall be ~~a joint and several~~
 38 ~~liability.~~ *several.*

39 (b) Notwithstanding subdivision (a), the father, mother, spouse,
 40 or other person liable for the support of the minor, the estate of

1 that person, or the estate of the minor, shall not be liable for the
2 costs of any of the legal services provided to any person described
3 in this section if a petition to declare the minor a dependent child
4 of the court pursuant to Section 300 is dismissed at or before the
5 jurisdictional hearing.

6 (c) Fees received pursuant to this section shall be transmitted
7 to the Administrative Office of the Courts in the same manner as
8 prescribed in Section 68085.1 of the Government Code. The
9 Administrative Office of the Courts shall deposit the fees received
10 pursuant to this section into the Trial Court Trust Fund.

11 ~~SEC. 16.~~

12 ~~SEC. 15.~~ Section 903.15 of the Welfare and Institutions Code
13 is repealed.

14 ~~SEC. 17.~~

15 ~~SEC. 16.~~ Section 903.2 of the Welfare and Institutions Code
16 is repealed.

17 ~~SEC. 18.~~

18 ~~SEC. 17.~~ Section 903.25 of the Welfare and Institutions Code
19 is repealed.

20 ~~SEC. 19.~~

21 ~~SEC. 18.~~ Section 903.4 of the Welfare and Institutions Code
22 is repealed.

23 ~~SEC. 20.~~

24 ~~SEC. 19.~~ Section 903.45 of the Welfare and Institutions Code
25 is repealed.

26 ~~SEC. 21.~~ Section 903.47 of the Welfare and Institutions Code
27 is repealed.

28 ~~SEC. 22.~~

29 ~~SEC. 20.~~ Section 903.5 of the Welfare and Institutions Code
30 is repealed.

31 ~~SEC. 23.~~

32 ~~SEC. 21.~~ Section 903.6 of the Welfare and Institutions Code
33 is repealed.

34 ~~SEC. 24.~~

35 ~~SEC. 22.~~ Section 903.7 of the Welfare and Institutions Code
36 is repealed.

37 ~~SEC. 25.~~

38 ~~SEC. 23.~~ Section 904 of the Welfare and Institutions Code is
39 repealed.

1 ~~SEC. 26.~~

2 *SEC. 24.* Section 11325.24 of the Welfare and Institutions
3 Code is amended to read:

4 11325.24. (a) If, in the course of appraisal pursuant to Section
5 11325.2 or at any point during an individual’s participation in
6 welfare-to-work activities in accordance with paragraph (1) of
7 subdivision (a) of Section 11322.85, it is determined that a recipient
8 meets the criteria described in subdivision (b), the recipient is
9 eligible to participate in family stabilization.

10 (b) (1) A recipient is eligible to participate in family
11 stabilization if the county determines that his or her family is
12 experiencing an identified situation or crisis that is destabilizing
13 the family and would interfere with participation in welfare-to-work
14 activities and services.

15 (2) A situation or a crisis that is destabilizing the family in
16 accordance with paragraph (1) may include, but shall not be limited
17 to:

- 18 (A) Homelessness or imminent risk of homelessness.
- 19 (B) A lack of safety due to domestic violence.
- 20 (C) Untreated or undertreated behavioral needs, including mental
21 health or substance abuse-related needs.
- 22 (D) A child in the family has been held in temporary custody
23 in a law enforcement facility pursuant to subdivision (d) of Section
24 207.1.

25 (c) Family stabilization shall include intensive case management
26 and services designed to support the family in overcoming the
27 situation or crisis, which may include, but are not limited to,
28 welfare-to-work activities.

29 (d) Funds allocated for family stabilization in accordance with
30 this section shall be in addition to, and independent of, the county
31 allocations made pursuant to Section 15204.2.

32 (e) Funds allocated for family stabilization in accordance with
33 this section, or the county allocations made pursuant to Section
34 15204.2, may be used to provide housing and other needed services
35 to a family during any month that a family is participating in family
36 stabilization.

37 (f) Each county shall submit to the department a plan, as defined
38 by the department, regarding how it intends to implement the
39 provisions of this section and shall report information to the
40 department, including, but not limited to, the number of recipients

1 served pursuant to this section, information regarding the services
2 provided, outcomes for the families served, and any lack of
3 availability of services. The department shall provide an update
4 regarding this information to the Legislature during the 2014–15
5 budget process.

6 (g) It is the intent of the Legislature that family stabilization be
7 a voluntary component intended to provide needed services and
8 constructive interventions for parents and to assist in barrier
9 removal for families facing very difficult needs. Participants in
10 family stabilization are encouraged to participate, but the
11 Legislature does not intend that parents be sanctioned as part of
12 their experience in this program component. The Legislature further
13 intends that recipients refusing or unable to follow their family
14 stabilization plans without good cause be returned to the traditional
15 welfare-to-work program.

16 *SEC. 25. (a) On and after January 1, 2017, the balance of any*
17 *court-ordered costs imposed pursuant Section 903, 903.15, 903.2,*
18 *903.25, 903.4, 903.5, 903.6, or 903.7 of the Welfare and*
19 *Institutions Code, shall be unenforceable and uncollectable, and,*
20 *on January 1, 2018, the portion of the judgment imposing those*
21 *costs shall be vacated.*

22 *(b) On and after January 1, 2017, the balance of any*
23 *court-ordered costs imposed pursuant Section 903.1 of the Welfare*
24 *and Institutions Code that are related to the rendering of legal*
25 *services to a minor by an attorney pursuant to an order of the*
26 *juvenile court shall be unenforceable and uncollectable, and, on*
27 *January 1, 2018, the portion of the judgment imposing those costs*
28 *shall be vacated.*

29 ~~SEC. 27.~~

30 *SEC. 26.* With regard to certain costs, to the extent that this
31 act has an overall effect of increasing the costs already borne by
32 a local agency for programs or levels of service mandated by the
33 2011 Realignment Legislation within the meaning of Section 36
34 of Article XIII of the California Constitution, it shall apply to local
35 agencies only to the extent that the state provides annual funding
36 for the cost increase. Any new program or higher level of service
37 provided by a local agency pursuant to this act above the level for
38 which funding has been provided shall not require a subvention
39 of funds by the state nor otherwise be subject to Section 6 of Article
40 XIII B of the California Constitution.

1 However, if the Commission on State Mandates determines that
2 this act contains other costs mandated by the state, reimbursement
3 to local agencies and school districts for those costs shall be made
4 pursuant to Part 7 (commencing with Section 17500) of Division
5 4 of Title 2 of the Government Code.

O