

Date of Hearing: August 18, 2020

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Lorena Gonzalez, Chair

SB 1111 (Durazo) – As Amended June 19, 2020

Policy Committee: Public Safety

Vote: 8 - 0

Urgency: No

State Mandated Local Program: Yes

Reimbursable: Yes

SUMMARY:

This bill requires any person whose case originated in juvenile court to remain in a county juvenile facility until the person turns 21 years of age, with limited exceptions. Specifically, this bill:

- 1) Requires any person whose case originated in juvenile court remain, if the person is held in secure detention, in a county juvenile facility until the person attains 21 years of age.
- 2) Allows the probation department to petition the court to house a person who is 19 years of age or older in an adult facility.
- 3) Requires the court to hold a hearing upon receipt of a petition to house a person who is 19 years of age or older in an adult facility and provides that there is a rebuttable presumption that the person will be retained in a juvenile facility.

FISCAL EFFECT:

- 1) Costs (General Fund (GF)/Proposition 30/Local funds) possibly in the millions of dollars across all 58 counties to detain juveniles between the ages of 18 and 21 in a local juvenile facility. The annual cost for to house an inmate in a juvenile detention facility is considerably higher than the cost to house someone in county jail. The Board of State and Community Corrections (BSCC) estimates annual costs for some counties as high as \$288,000 per person housed in a juvenile detention facility. However, many of these costs are driven by youth education programs that may not be applicable to a person who is 18 years of age or older. Actual costs would depend on how many individuals remain in juvenile facilities who, absent this measure, would have been transferred to adult facilities.
- 2) Cost pressure (GF), in the low-to-mid-hundreds of thousands of dollars annually to trial courts to hear and adjudicate detention requests to transfer people 19 years of age or older to a county jail facility. One hour of court time costs approximately \$956 in staff workload. If county probation departments file 100 petitions statewide to transfer a person 19 to 21 years of age to an adult facility and each case takes two hours to resolve, the workload costs to the courts would be \$191,000 annually.

- 3) Cost savings (GF) possibly in the low millions of dollars to CDCR to the extent inmates between the ages of 19-21 are held in county juvenile detention facilities and not transferred to state prison. The annual cost of incarceration at CDCR is approximately \$84,000. If this bill results in 10 inmates spending two years at the county level and not in state prison, annual cost savings would be \$1.7 million dollars.
- 4) Cost savings (GF/local funds) to counties to the extent inmates between the ages of 19 and 21 are not transferred to the county jails. The BSCC estimates the average statewide annual cost to hold an inmate in county jail is approximately \$58,000. If 100 inmates statewide between the ages of 19 and 21 are not transferred to county jail, the annual savings would be \$580,000. As noted above, the cost to incarcerate a person in county jail is much less expensive than housing a person in juvenile hall. Any savings will offset the cost to house a person 18 years of age or older in a juvenile facility.

COMMENTS:

- 1) **Purpose.** According to the author:

Senate Bill 1111 would reduce the number of transfers from juvenile justice facilities to jail and provide relief for county jails, which are often overcrowded and ill equipped to address the needs of this population. A reduction in the number of jail transfers would limit exposure and aid vital containment efforts. It would also ease fiscal pressure on the corrections system

- 2) **Juvenile Transfers.** Existing law requires a minor who is prosecuted as an adult to remain housed in a juvenile facility pending conclusion of their criminal case or until they turn 18, whichever occurs first. However, the juvenile may petition the court to remain in a juvenile facility after turning 18, and may be permitted to remain in the juvenile facility if the court finds that it is in the best interest of the person and the public. Existing law also provides that when a minor detained in a county juvenile facility turns 18 prior to, or during the period of confinement, the person may be allowed to remain there until the person turns 19. The statute generally requires that upon turning 19, a person in a county juvenile facility be transferred to county jail for the remainder of the time the person remains in custody, unless the juvenile court orders continued detention in a juvenile facility. This bill seeks to clarify and streamline existing statutes by creating a presumption that when a person's case originates in juvenile court, that person shall remain in a juvenile facility until the age of 21.
- 3) **Proposition 30.** Pursuant to Proposition 30 (November 2012) any legislation enacted after September 30, 2012, that has an overall effect of increasing costs already borne by a local agency for programs or levels of service mandated by realignment (including management of local jails, child welfare services and foster care) only applies to local agencies to the extent that the state provides annual funding for the cost increase. This bill may have significant costs to local agencies and as a result, may require the state to reimburse counties for the costs of housing inmates in county juvenile facilities. Proposition 30 has never been litigated and as a result, it is unclear what constitutes a reimbursable state-mandated local program pursuant to Proposition 30.

4) Prior Legislation.

- a) SB 1391 (Lara) Chapter 1012, Statutes of 2018, repealed the authority of a prosecutor to make a motion to transfer a minor from juvenile court to adult criminal court in a case in which a minor is alleged to have committed a specified serious offense when the minor was 14 or 15 years of age, unless the minor was not apprehended prior to the end of juvenile court jurisdiction.
- b) SB 439 (Mitchell), Chapter 1006, Statutes of 2018, established 12 years of age as the minimum age for which the juvenile court has jurisdiction and may adjudge a person a ward of the court.

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