
THIRD READING

Bill No: AB 1376
Author: Bonta (D), et al.
Amended: 8/29/25 in Senate
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 4-1, 6/24/25
AYES: Arreguín, Gonzalez, Pérez, Wiener
NOES: Seyarto
NO VOTE RECORDED: Caballero

SENATE APPROPRIATIONS COMMITTEE: 5-2, 8/29/25
AYES: Caballero, Cabaldon, Grayson, Richardson, Wahab
NOES: Seyarto, Dahle

ASSEMBLY FLOOR: 49-18, 5/27/25 - See last page for vote

SUBJECT: Wards: probation

SOURCE: Alliance for Boys and Men of Color; California Alliance for Youth and Community Justice; Communities United for Restorative Youth Justice; Fresh Lifelines for Youth; National Youth Center for Youth Law; Sister Warriors Freedom Coalition; The W. Haywood Burns Institute; Western Center on Law & Poverty

DIGEST: This bill limits the period of time for which a court may place a ward of the court on probation to twelve months, except that a court may extend probation upon proof by a preponderance of the evidence that it is in the best interest of the ward and the public; and requires that juvenile probation conditions are individually tailored, developmentally appropriate, and reasonable, as well as proportional to the legitimate interests served by the conditions.

ANALYSIS:

Existing law:

- 1) States that the purpose of the juvenile court law is to provide for the protection and safety of the public and each minor under the jurisdiction of the juvenile court and to preserve and strengthen the minor's family ties whenever possible, removing the minor from the custody of the minor's parents only when necessary for the minor's welfare or for the safety and protection of the public. Requires the juvenile court and other public agencies charged with enforcing, interpreting, and administering the juvenile court law to consider the safety and protection of the public, the importance of redressing injuries to victims, and the best interests of the minor in all deliberations. (Welfare and Institutions Code (Welf. & Inst. Code), § 202, subds. (a) & (d).)
- 2) Provides that a minor between 12 and 17 years of age, inclusive, who violates any law defining a crime, and a minor under 12 years of age who is alleged to have committed murder or a specified sex offense, is within the jurisdiction of the juvenile court, which may adjudge the minor to be a ward of the court. (Welf. & Inst. Code, § 602.)
- 3) Provides that the juvenile court may retain jurisdiction over a ward until the person attains 21 years of age, except that if the wardship is based on the commission of a specified serious offense, the juvenile court may retain jurisdiction until age 23, unless the ward would have faced an aggregate sentence of seven years or more in criminal court, in which case the juvenile court may retain jurisdiction until age 25. (Welf. & Inst. Code, § 607, subds. (a)-(c).)
- 4) Authorizes the juvenile court to place a ward of the court on supervised probation. Authorizes the court to make any reasonable orders for the care, supervision, custody, conduct, maintenance, and support of the ward. (Welf. & Inst. Code, § 727.)
- 5) Authorizes the court, when a minor is adjudged a ward of the court, to order treatment, to commit the minor to a juvenile home, ranch, camp, forestry camp, or juvenile hall, and to make other orders, including ordering the ward to make restitution, pay a fine of up to \$250, or to participate in uncompensated work programs. (Welf. & Inst. Code, § 730, subd. (a).)

- 6) Provides that when a ward is placed under the supervision of the probation officer or committed to the care, custody, and control of the officer, the court may make any and all reasonable orders for the conduct of the ward, and impose and require any and all reasonable conditions that it may determine fitting and proper to the end that justice may be done and the reformation and rehabilitation of the ward enhanced. (Welf. & Inst. Code, § 730, subd (b).)

This bill:

- 1) Prohibits a minor adjudged to be a ward of the court who is subject to an order of probation, with or without supervision of the probation officer, from remaining on probation for a period that exceeds twelve months from the disposition hearing, except as specified.
- 2) Provides that a court may extend the probation period after a noticed hearing and upon proof by a preponderance of the evidence that it is in the ward's and the public's best interest.
- 3) Requires the probation agency to submit a report to the court detailing the basis for any request to extend probation at the hearing.
- 4) Requires that the ward and the prosecuting attorney be given the opportunity to present relevant evidence. Provides that the court has discretion to receive evidence by testimony, declaration, and other documentary evidence.
- 5) Requires the court to state the reasons for the findings orally on the record in cases in which the court finds by a preponderance of the evidence a basis for extending probation. Requires the court to set forth the reasons in an order entered upon the minutes if requested by either party or when the proceedings are not being recorded electronically or reported by a court reporter.
- 6) Requires the court, if it extends probation, to schedule and hold subsequent noticed hearings for the ward not less frequently than every six months for the remainder of the wardship period.
- 7) Provides that its provisions do not preclude termination of a ward's probation before the end of the twelve-month period.
- 8) Requires the court, prior to terminating jurisdiction over a ward subject to an order for foster care placement, to comply with existing provisions of law

related to terminating jurisdiction over those youth. Prohibits the requirement to comply with those provisions of law from being a basis for continuing an order imposing terms and conditions of probation. Prohibits the ward from being subject to a petition to remove the ward from the physical custody of their parent, guardian, relative, or friend, or a violation of probation if the court retains jurisdiction.

- 9) Provides that its provisions do not apply to any ward who is committed to a juvenile home, ranch, camp, or forestry camp.
- 10) Provides that its provisions do not apply to any ward who is discharged from a secure youth treatment facility or transferred from a secure youth treatment facility to a less restrictive program.
- 11) Requires that the conditions of probation ordered when a ward is placed on supervised or unsupervised probation meet all of the following requirements:
 - a) The conditions are individually tailored, developmentally appropriate, and reasonable.
 - b) The burden imposed by the conditions must be proportional to the legitimate interests served by the conditions.
 - c) The conditions are determined by the court to be fitting and proper to the end that justice may be done and the reformation and rehabilitation of the ward enhanced.
- 12) Amends existing law that authorizes the court to order the ward to make restitution, to pay a fine up to \$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, and instead limits the court's authority to only order restitution.
- 13) Amends several provisions of law requiring the juvenile court to impose specific conditions of probation on a ward of the court and instead makes all of those conditions of probation discretionary.

Background

There are a number of dispositional outcomes available to the juvenile court for minors who are before the court based on the commission of a crime, including diversion, informal probation, and wardship probation. For minors placed on

wardship probation, the court may order probation with or without the supervision of a probation officer.

Juvenile probation does not have a statutory cap or required periodic review unlike adult probation which is generally limited to one year for misdemeanors and two years for felonies, except as specified in statute. Instead, juvenile probation can last as long as the juvenile court has jurisdiction over the ward. (Welf. & Inst. Code, § 602, subds. (a)-(c).)

The California Department of Justice reported that in 2023, over 10,000 youth in California were placed on wardship probation. (Office of the Attorney General, *Juvenile Justice in California* (2023), p. 40, available at <<https://data-openjustice.doj.ca.gov/sites/default/files/2024-07/Juvenile%20Justice%20In%20CA%202023f.pdf> .)

This bill limits the period of time for which a court may place a ward of the court on probation to twelve months, except that a court may extend probation if it finds by a preponderance of the evidence that doing so is in the best interest of the ward and the public.

Probation Conditions. A juvenile court may impose on a minor on probation “any and all reasonable conditions that it may determine fitting and proper to the end that justice may be done and the reformation and rehabilitation of the ward enhanced.” (Welf. & Inst. Code, § 730, subd. (b).) Generally, the conditions imposed on juveniles may be broader than criminal probation conditions. (*In re Antonio R.* (2000) 78 Cal.App.4th 937, 941.) In fact, “[a] juvenile court enjoys broad discretion to fashion conditions of probation for the purpose of rehabilitation and may even impose a condition of probation that would be unconstitutional or otherwise improper so long as it is tailored to specifically meet the needs of the juvenile.” (*In re Binh L.* (1992) 5 Cal.App.4th 194, 203; *In re Josh W.* (1997) 55 Cal.App.4th 1, 5; *In re Sheena K.* (2007) 40 Cal.4th 875, 889; *In re Michael D.* (1989) 214 Cal.App.3d 1610, 1616.) In planning the conditions of a minor’s supervision, the juvenile court considers not only the circumstances of the crime, but also the minor’s entire social history. (*In re Binh L.*, *supra*, 5 Cal.App.4th 192, 203.)

Conditions of probation may include, among other things, electronic monitoring, drug testing, completion of education programs or other types of programs, or community service. The proponents of this bill argue that youth are “burdened with excessive and arbitrary probation conditions which, research has shown, harms

their development and prospects for rehabilitation.” (National Center for Youth Law and W. Haywood Burns Institute, *Ending Endless Probation* (Mar. 2021), at p. 5, citing The Annie E. Casey Foundation, *Transforming Juvenile Probation: A Vision for Getting it Right* (2018) available at <<https://youthlaw.org/sites/default/files/attachments/2022-03/2021.03.02-End-Endless-Probation-v2.pdf> .)

This bill requires conditions of probation for a ward to be individually tailored, developmentally appropriate, and reasonable. This bill additionally requires that the burden imposed by those conditions is proportional to the legitimate interests served by the conditions. This bill also amends several provisions of existing law that require a court to impose certain conditions of probation and instead makes all of those conditions of probation discretionary.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

According to the Senate Appropriations Committee:

- Unknown, potentially significant costs to the state funded trial court system (Trial Court Trust Fund, General Fund), likely in the low millions, to adjudicate additional hearings required by this bill. Judicial Council indicates an estimated 10,000 individuals who would need the new evidentiary hearings required by this bill. The fiscal impact of this bill to the courts will depend on many unknowns, including the number of cases filed and the factors unique to each case. While the courts are not funded on a workload basis, an increase in workload could result in delayed court services and would put pressure on the General Fund to fund additional staff and resources and to increase the amount appropriated to backfill for trial court operations.
- Significant workload costs to county probation agencies (local funds, General Fund), likely in the millions to tens of millions annually. Chief Probation Officer’s note that, based on staff time to prepare the report required by this bill (which will include gathering information and which may include additional parties such as family, mental health, restitution, school progress, etc.), and time spent in court for the hearings, the impacts of this bill are likely to be in the millions to tens of millions annually, as these hearings apply to all wards of the court. Probation would have to prepare for and attend the initial hearing, which sets a presumption for discharge, and likely multiple additional hearings. Based on current lengths of juvenile probation terms, per case, this could require probation to attend multiple hearings every six months. However, by

encouraging earlier termination of probation, this bill could shorten supervision periods and reduce associated costs.

- It is not clear whether the county probation duties imposed by this bill constitute a reimbursable state mandate or whether they may be subject to Proposition 30 (2012). Proposition 30 provides that legislation enacted after September 30, 2012, that has an overall effect of increasing the costs already borne by a local agency for programs or levels of service mandated by realignment applies to local agencies only to the extent the state provides annual funding for the cost increase.

SUPPORT: (Verified 8/29/25)

Alliance for Boys and Men of Color (co-source)
California Alliance for Youth and Community Justice (co-source)
Communities United for Restorative Youth Justice (co-source)
Fresh Lifelines for Youth (co-source)
National Center for Youth Law (co-source)
Sister Warriors Freedom Coalition (co-source)
The W. Haywood Burns Institute (co-source)
Western Center on Law & Poverty (co-source)
ACLU California Action
All of Us or None
Asian Americans Advancing Justice Southern California
Back to the Start
Black Parallel School Board
Black Women for Wellness Action Project
California Attorneys for Criminal Justice
California Coalition for Youth
California Court Appointed Special Advocate Association
California League of United Latin American Citizens
California Native Vote Project
California Public Defenders Association
California Youth Defender Center
Californians for Safety and Justice
Californians United for a Responsible Budget
Center for Employment Opportunities
Children Now
Children's Defense Fund-California
Coalition for Humane Immigrant Rights
Community Works

Congregations Organized for Prophetic Engagement
Courage California
Debt Free Justice California
Drug Policy Alliance
East Bay Community Law Center
Ella Baker Center for Human Rights
Empowering Women Impacted by Incarceration
Fair Chance Project
Grace Institute-End Child Poverty in CA
Hoops 4 Justice
Human Rights Watch
Indigenous Justice
Initiate Justice
Initiate Justice Action
Justice2Jobs Coalition
Khmer Girls in Action
LA County Public Defenders Union, Local 148
La Defensa
League of Women Voters of California
Legal Services for Prisoner With Children
Mid-City Community Advocacy Network
MILPA Collective
National Institute for Criminal Justice Reform
Peace and Justice Law Center
Pillars of the Community
Rubicon Programs
San Francisco Public Defender
Secure Justice
Silicon Valley De-Bug
Smart Justice California
Starting Over
Starting Over Strong
Urban Peace Institute
Vera Institute of Justice
Youth Alliance
Youth Forward
Youth Law Center
1 Individual

OPPOSITION: (Verified 8/29/25)

Association of Orange County Deputy Sheriffs
California District Attorneys Association
California Police Chiefs Association
Chief Probation Officers' of California
Peace Officers Research Association of California
Riverside County District Attorney
Riverside Sheriffs' Association
Sacramento County Probation Association
Sacramento County Sheriff Jim Cooper
San Diego County Probation Officers Association
San Joaquin County Probation Officers Association
San Mateo County Probation Detention Association
State Coalition of Probation Organizations
Ventura County Professional Peace Officers Association

ASSEMBLY FLOOR: 49-18, 5/27/25

AYES: Addis, Aguiar-Curry, Ahrens, Alvarez, Ávila Farías, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Elhawary, Fong, Gabriel, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Jackson, Kalra, Lee, Lowenthal, McKinnor, Muratsuchi, Ortega, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ransom, Celeste Rodriguez, Rogers, Schultz, Sharp-Collins, Solache, Stefani, Valencia, Ward, Wicks, Wilson, Zbur, Rivas

NOES: Alanis, Castillo, Chen, Davies, DeMaio, Dixon, Ellis, Gallagher, Hadwick, Hoover, Irwin, Lackey, Macedo, Patterson, Sanchez, Ta, Tangipa, Wallis

NO VOTE RECORDED: Arambula, Bains, Flora, Jeff Gonzalez, Krell, Nguyen, Pacheco, Ramos, Michelle Rodriguez, Blanca Rubio, Schiavo, Soria

Prepared by: Stephanie Jordan / PUB. S. /
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**** **END** ****