

CONCURRENCE IN SENATE AMENDMENTS

AB 1376 (Bonta)

As Amended September 5, 2025

Majority vote

SUMMARY

This bill states that a ward may not remain on probation for a period that exceeds 12 months from the disposition hearing, except that a court may extend the probation period upon proof by a preponderance of the evidence that it is in the ward's and public's best interest to extend probation, as specified.

Senate Amendments

- 1) Increase the presumptive maximum period of probation from nine months to 12 months from the most recent disposition hearing.
- 2) Clarify that nothing in this bill precludes the court from holding progress review hearings at any point prior to 12 months from the most recent disposition hearing.
- 3) Clarify that the court shall also consider the public's best interest when determining whether to extend the period of probation.
- 4) Provide that if the court finds good cause to continue the noticed hearing, probation shall continue until completion of the noticed hearing, provided that the continuance shall be for only as long as necessary.
- 5) Exclude wards serving a custodial commitment to a juvenile home, ranch, camp or forestry camp from the presumptive maximum period of probation.
- 6) Additionally exclude any ward who is discharged from a secure youth treatment facility pursuant to a probation discharge hearing as specified from the presumptive maximum period of probation.
- 7) Include additional legislative intent.

COMMENTS

As passed by the Assembly: This bill stated that a ward may not remain on probation for a period that exceeds nine months, except that a court may extend the probation period upon proof by a preponderance of the evidence that it is in the ward's and public's best interest to extend probation beyond nine months.

Major Provisions

- 1) Provided that a minor adjudged to be a ward of the court who is subject to a probation order, with or without supervision of the probation officer, shall not remain on probation for a period that exceeds nine months, except as provided.
- 2) Authorized a court to extend the probation period beyond nine months, for a period not to exceed six months, after a noticed hearing and upon proof by a preponderance of evidence

that it is in the ward's and public's best interest, consistent with the purposes of juvenile courts.

- 3) Required the probation agency to submit a report to the court detailing the basis for any request to extend probation at the noticed hearing.
- 4) Stated that the court shall provide the ward and the prosecuting attorney with the opportunity to present relevant evidence. The court has discretion to receive evidence by testimony, declaration, and other documentary evidence.
- 5) Required, in cases in which the court finds by a preponderance of the evidence a basis for extending probation beyond the nine months, the court to state the reasons for the findings orally on the record.
- 6) Required the court to also 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.
- 7) Stated that if the court extends probation, the court shall schedule and hold a noticed hearing for the ward not less frequently than every six months for the remainder of the wardship period.
- 8) Required the court to comply with existing specified criteria for terminating jurisdiction over certain wards, however this requirement shall not be a basis for continuing an order imposing terms and conditions of probation.
- 9) Specified that if the court retains jurisdiction over the ward, the ward shall not be subject to a petition removing a minor from the physical custody of a parent or guardian or a violation of probation.
- 10) Stated that the bill's provisions on period of probation terms does not preclude termination of a ward's probation before the end of a nine month period.
- 11) Stated that this bill's provisions period of probation terms do not apply to any ward who is transferred from a secure youth treatment facility to a less restrictive program and who is subject to any remaining baseline or modified baseline term until the ward is discharged pursuant to a probation discharge hearing.
- 12) Amended existing law that requires the court to order specified conditions of probation for a minor adjudged a ward of the court and has not been removed from the custody of their parents or guardians, except if the court finds the condition to be inappropriate, to instead make the conditions permissive.
- 13) Deleted specified conditions of probation regarding the requirement that the ward go to work and earn money for the support of the ward's dependents or to effect reparation and to keep an account of the ward's earnings to report to probation and apply those earnings as directed by the court and instead requires conditions of probation to meet all of the following:
 - a) The conditions are individually tailored, developmentally appropriate and reasonable;

- b) The burden imposed by the conditions shall be proportional to the legitimate interests served by the conditions; and,
 - 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.
- 14) Removed the authority of the court to order the minor to pay a \$250 fine or participate in an uncompensated work program in lieu of restitution.
- 15) Contained Legislative findings and declarations.

According to the Author

"Probation is the most common court-ordered outcome for youth in California's juvenile courts, yet there are no clear standards for how long supervision should last. As a result, many young people—particularly youth of color—are placed on probation for indefinite periods, facing unrealistic and overly burdensome conditions that often do more harm than good. Instead of supporting rehabilitation, this approach traps young people in the legal system during critical years of development, increasing the risk of unnecessary detention and contributing to the school-to-prison pipeline.

"AB 1376 creates a fair and balanced framework by establishing a six-month probation timeline with a presumption for dismissal unless the court determines that an extension is in the youth's best interest. This change ensures that probation is focused on supporting growth and accountability, not prolonged punishment. This bill will also require that probation conditions are tailored, developmentally appropriate, and not excessive or punitive. By setting clear limits and expectations, AB 1376 keeps the focus where it belongs—on rehabilitation and helping young people learn from their mistakes so they can move forward with their lives."

Arguments in Support

According to *National Center for Youth Law*, a co-sponsor of this bill, "In contrast to a growing number of states, California has no statutory limitation on the length of time young people spend under court ordered, non-custodial "wardship" probation supervision—something that was changed in the California adult courts five years ago with AB 1950 (2020). While data are not typically published by California Probation Departments about how long youth spend on probation, a Public Records Act request in 2020 revealed that on average, youth of color are on probation far longer than white youth. Specifically, White youth were on probation for an average of less than 20 months, while Black youth were on probation for an average of nearly 21 months, Asian youth for more than 22 months, and Latino youth for more than 25 months.

"Long probation terms significantly increase the likelihood that youth will be charged with probation violations, sometimes resulting in incarceration, and often for minor noncriminal transgressions. This practice is in conflict with the principles of youth development and is consistent with research demonstrating that keeping youth on supervision for longer than six months does not likely result in public safety gains. Guided by this research, juvenile justice experts in the Pew Charitable Trusts' Public Safety Performance Project have recommended shorter periods of probation for youth in several states.

"Further, probation conditions all too often set youth up for failure. Research shows that youth often do not understand what is expected of them even right after they leave the courtroom at the time of disposition. The imposition of long lists of requirements, many of which bear little or no

relationship to the behavior that brought the youth before the court, make it difficult for youth to succeed. Juvenile court probation orders in California can include anywhere from five to 56 conditions of probation on their standard form. Several counties have more than 30. Standard terms and conditions of probation for youth, regardless of level of need, are not always individually tailored and developmentally appropriate to provide adequate support. Evidence supports limiting probation terms and using the incentive of shortening probation terms as a reward for positive behavior showing that this can improve outcomes and reduce costs without compromising public safety.

"AB 1376 will address the problems with California's probation supervision of youth by:

- 1) Creating a presumption that non-custodial wardship probation will be terminated at six months, with the ability to grant extensions to probation supervision if the court determines by a preponderance of the evidence that it is in the youth's best interest to continue probation past the initial six month wardship probation period.
- 2) Requiring probation conditions to be individually tailored, developmentally appropriate, and reasonable.
- 3) Increasing judicial discretion by changing statutorily mandated probation conditions to permissive probation conditions, so that judges are able to make individualized determinations."

Arguments in Opposition

According to *Chief Probation Officers of California*, "[T]here is a graduated continuum of juvenile responses and dispositions to reflect the needs of the youth and their safety as well as the community. These include, but are not limited to diversion, informal probation, deferred entry of judgement (DEJ), and non-wardship probation that can be used by the court. These are important alternatives to wardship that can be used in cases where deemed suitable.

"Youth who have been made wards have been determined by the court to need focused services, programming, and treatment that may extend beyond six months in order to simultaneously achieve improved well-being for the youth and safety for the community.

"Wardship probation is reserved for circumstances involving more serious offenses and when deemed necessary and appropriate for the safety of the youth and the community. We are concerned that by setting a definitive timeline of six months, even with the potential to extend, that 6 months wardship will not be deemed suitable for some cases or will not accommodate the length of certain treatment or programs, therefore more stringent alternative dispositions may be considered to potentially include adult court transfers or a secure setting.

"Therefore, we should be looking at how to best balance the shared goal of moving youth successfully off wardship without impeding key treatment or programming they need as identified by the court.

"Below are concerns that underlie our opposition:

- 1) *Applicability to Wards of the Court (Felony and Misdemeanor)*: This bill treats misdemeanors and felonies the same and applies to youth who are made wards of the court, including WIC 707(b) offenses such as murder, rape, arson, and robbery among other offenses. This bill is impacting youth that have been made wards of the court, and

who have been identified as often having higher criminogenic needs that require focused and individualized responses and adequate time necessary to balance and meet the safety and treatment needs of the youth.

- 2) *Impacts on Dispositions*: Six months for wardship cases will not be deemed suitable for some cases or will not accommodate the length of certain treatment or programs, such as sex offender programs, therefore more stringent alternative dispositions may be considered by courts and prosecutors which could potentially include adult court filings or a detention facility setting.
- 3) *Process of Discharge – Establishing a Presumption*: The process currently proposed in the bill sets a presumption for discharge at six months for all non-custodial wardship cases (misdemeanor and felony). This bill establishes a probation term for wardship, which is deemed at the higher end of the juvenile continuum, for shorter durations than diversion or DEJ.

FISCAL COMMENTS

According to the Senate Appropriations Committee:

- 1) 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.
- 2) 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.
- 3) 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.

VOTES:**ASM PUBLIC SAFETY: 5-1-3****YES:** Schultz, Mark González, Bonta, Harabedian, Sharp-Collins**NO:** Alanis**ABS, ABST OR NV:** Lackey, Nguyen, Ramos**ASSEMBLY FLOOR: 49-18-12****YES:** 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**NO:** Alanis, Castillo, Chen, Davies, DeMaio, Dixon, Ellis, Gallagher, Hadwick, Hoover, Irwin, Lackey, Macedo, Patterson, Sanchez, Ta, Tangipa, Wallis**ABS, ABST OR NV:** Arambula, Bains, Flora, Jeff Gonzalez, Krell, Nguyen, Pacheco, Ramos, Michelle Rodriguez, Blanca Rubio, Schiavo, Soria**UPDATED**

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