

Date of Hearing: April 21, 2026
Deputy Chief Counsel: Stella Choe

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

AB 1886 (Elhawary) – As Amended March 16, 2026

SUMMARY: Removes the exclusion of wards that have been ordered to be under the supervision of the probation officer for placement in specified out-of-home placements from the 12-month limitation on term of probation in existing law. Specifically, **this bill:**

- 1) States that the requirement to comply with specified procedures for the termination of jurisdiction over a ward who was subject to foster care placement shall not be a basis for extending the probation period, except if the procedures cannot be completed before the end of the period of probation.
- 2) Provides that the court may maintain jurisdiction beyond the end of the probation period for the purpose of complying with those procedures, but shall not impose any terms and conditions of probation or any other conditions of performance or compliance on the ward during this period of extended jurisdiction.
- 3) Removes the exclusion from the 12-month probation limitation of any ward whom the court ordered the care, custody, and control of the minor or nonminor to be under the supervision of the probation officer for out-of-home placement as specified.
- 4) Revises the exclusion from the 12-month probation limitation that applies to wards who are transferred from a secure youth treatment facility (SYTF) to a less restrictive program (LRP) or to wards who are discharged from an SYTF to instead exclude a ward who is committed to an SYTF while the ward has any remaining baseline or modified baseline term, whether the ward remains in the SYTF or has been transferred to an LRP.
- 5) Applies the 12-month probation limit to a ward upon discharge to a period of probation supervision, or upon the commitment being set aside, as specified.
- 6) States the Legislative intent that youth in out-of-home placements, disproportionately girls and youth of color, be entitled to protections that limit terms of probation.

EXISTING LAW:

- 1) Provides that a minor adjudged to be a ward of the court shall not remain on probation for a period that exceeds 12 months from the most recent disposition hearing, except as specified, and nothing precludes the court from holding progress review hearings prior to 12 months from the most recent disposition hearing. (Welf. & Inst. Code, § 602.5, subd. (a).)

- 2) Authorizes a court to extend the probation period beyond 12 months after a noticed hearing and upon proof by a preponderance of the evidence that it is in the ward's and public's best interest using the following procedures:
 - a) At the noticed hearing, the probation agency shall submit a report to the court detailing the basis for any request to extend probation;
 - b) 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;
 - c) In cases in which the court finds by a preponderance of the evidence a basis for extending probation, the court shall state the reasons for the findings orally on the record. The court shall 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; and,
 - d) If the court finds good cause to continue the noticed hearing, probation shall continue until completion of the noticed hearing, provided that continuance shall be for only as long as necessary. (Welf. & Inst. Code, § 602.5, subd. (b).)
- 3) States that if the court extends probation at the noticed hearing, the court shall schedule and hold subsequent noticed hearings for the ward not less frequently than every six months for the remainder of the wardship period. (Welf. & Inst. Code, § 602.5, subd. (c).)
- 4) Provides that a court is not precluded from terminating a ward's probation before the end of the 12-month period. (Welf. & Inst. Code, § 602.5, subd. (d).)
- 5) Requires, prior to terminating jurisdiction over a youth who was subject to foster care placement, the court shall comply with existing procedures. (Welf. & Inst. Code, § 602.5, subd. (e).)
- 6) Specifies that the 12-month probation limit does not apply to the following:
 - a) Any ward that has been ordered to be under the supervision of the probation officer for placement in specified out-of-home placements;
 - b) Any ward serving a custodial commitment to a juvenile hall, juvenile home, ranch, camp, or forestry camp; and,
 - c) Any ward who is transferred from an SYTF to an LRP or who has been discharged from an SYTF. (Welf. & Inst. Code, § 602.5, subds. (f)-(h).)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's Statement:** According to the author, “Keeping young people on probation longer doesn’t make our communities safer. It increases violations and pushes youth back into the system. And we know the harm isn’t felt equally. Youth of color are kept on probation longer than their white peers. AB 1886 builds on the work of AB 1376 (Bonta, CHP 2025) by making sure probation remains individualized, developmentally appropriate, and fair, while extending those same protections to youth in out-of-home placements and secure youth treatment facilities. This bill is about equity and consistency. Judges still have the authority to extend probation when it’s truly necessary, but no young person should be excluded from review simply because of where they live or their past involvement in the system.”
- 2) **Juvenile Probation Generally and Recent Legislation:** There are a variety of case dispositions available for minors who come before the juvenile court based on commission of a crime. The court may order the minor to participate in a diversion with the Probation Department for six months. (Welf. & Inst. Code, § 654.2) If the minor is not made a ward of the court, the court also order informal probation for a period of six months. (Welf. & Inst. Code, § 725, subd. (a).) For those who are made a ward of the court, the court can order wardship probation either with or without supervision of the Probation Department. The most common disposition is probation with Probation Supervision.¹

Unlike adult probationers who have a statutory cap of one year probation for misdemeanors and two years’ probation for felonies, except as specified for longer terms by statute, juvenile probation terms under wardship probation do not have a statutory cap on the probation term, with the only statutory limitation being when the court loses jurisdiction over the minor at age 21. (Welf & Inst. Code, § 602.) According to a report by Youth Law Center²:

While the court is not required to specify the probation length, the court does have the discretion to set a specific date for probation termination. Current research supports tailoring probation length to the individual youth, with a typical period being no more than six to nine months. The probation term should be shortened for youth who meet probation expectations and should not ever exceed one year. Such an approach is consistent with research showing that youth respond better to incentives rather than punishment, and that shorter probation terms both save costs and produce better outcomes. Whether or not the court sets a definite term, the court has the discretion to terminate probation at any time, and in making that decision must consider the youth’s overall performance on probation. There is no requirement that a youth show perfect compliance in order to complete probation. Instead, the court can dismiss probation if it finds that the youth has “substantially complied” with the purpose of his or her probation, even when the youth has not perfectly complied with all technical requirements. If a youth meets this standard of substantial compliance, he or she has attained “satisfactory completion” of probation, and in most cases the court will then order that the youth’s case be dismissed and sealed. Once a case is sealed, the case is deemed not to have occurred, and the youth has a legal right not to disclose it to employers, educational institutions, or other persons or entities.

¹ *A Legal Map of Youth Probation in California*, Youth Law Center (Aug. 2020) < [ylc-part5-youth-probation-final.pdf](#) > at p. 2 (accessed Apr. 14, 2025).

² *Id.* at p. 8.

Last year, the Legislature enacted AB 1376 (Bonta) which established a presumptive 12-month limit that a ward may remain on probation. The law authorizes a court to 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. The law requires the court to hold noticed hearings for the ward not less frequently than every 6 months for the remainder of the wardship period if the court extends probation.

Notably, AB 1376 excluded from the 12-month limitation on probation any ward that has been ordered to be under the supervision of the probation officer for placement in specified out-of-home placements; any ward serving a custodial commitment to a juvenile hall, juvenile home, ranch, camp, or forestry camp; and, any ward who is transferred from an SYTF to an LRP or who has been discharged from an SYTF.

This bill would remove the exclusion of wards who are on probation for placement in specified out-of-home placements, and would make the 12-month limitation apply to wards who have been discharged from an SYTF or whose commitment to an SYTF was set aside. According to opponents of this bill, the exclusions were a critical part of negotiations on AB 1376 from last year to relieve oppositions' concerns. According to supporters, wards in out-of-home placement, such as foster care, are oftentimes there due to factors outside of their control thus should not receive disparate probation terms from those who remain at home. Additionally, as to the wards discharged from SYTF after completing their baseline confinement period, supporters believe there is no reason to subject them to a longer probation limit because they have fulfilled the time determined necessary to address their developmental and treatment needs.

- 3) **Juvenile Justice Realignment:** In 2020, the Legislature passed Senate Bill 823 (Committee on Budget and Fiscal Review) which established a process for realigning California's juvenile system by phasing out the state's youth prison system, the Division of Juvenile Justice, and transferring the responsibility for managing all youthful offenders to local jurisdictions.³

Among other things, SB 823 stated the intent of the Legislature to establish a separate dispositional track for higher-need youth by March 1, 2021. In order to implement Senate Bill 823, in 2021, the Legislature passed Senate Bill 92 (Committee on Budget and Fiscal Review) which authorized counties to establish secure youth treatment facilities for the placement of wards who were adjudicated for specified serious offenses when the juvenile was age 14 or older, as specified. (Welf. & Inst. Code, § 875.) At the conclusion of a baseline confinement term, a ward could be discharged to a period of probation supervision in the community under conditions approved by the court, unless the court finds that the ward constitutes a substantial risk of imminent harm to others in the community if released from custody. (Welf. & Inst. Code, § 875, subd. (e)(3).) The court could also discharge a ward to a program of probation supervision. The court would determine the reasonable conditions of probation that are suitable to meet the developmental needs and circumstances of the ward and to facilitate the ward's successful reentry into the community. If the ward was discharged to a program of probation supervision, the court would be required to periodically review the

³ See Sen. Comm. on Budget and Fiscal Review. Floor Analysis of Sen. Bill No. 823 (2019-2020 Reg. Sess.) as amended August 28, 2020, p. 1.

ward's progress and make any additional orders deemed necessary in order to facilitate the provision of services or to otherwise support the ward's successful reentry into the community. (Welf. & Inst. Code, § 875, subd. (e)(4).) If the ward failed to materially comply with the reasonable orders of probation imposed by the court, the court could order that the ward be returned to custody in the secure youth treatment facility for the remainder of the presumptive term initially ordered by the court, subject to review hearings. (*Ibid.*)

The court may, upon the motion of the probation department or ward, order that the ward be transferred from a secure youth treatment facility to a less restrictive program, such as such as a halfway house, a camp or ranch, or a community residential or nonresidential service program. The purpose of a less restrictive program is to facilitate the safe and successful reintegration of the ward into the community. (Welf. & Inst. Code, § 875, subd. (f)(1).) The court shall consider the recommendations of the probation department on the proposed change in placement. Approval of the request for a less restrictive program shall be made only upon the court's determination that the ward has made substantial progress toward the goals of the individual rehabilitation plan and that placement is consistent with the goals of youth rehabilitation and community safety. (*Ibid.*) In transferring a ward to a less restrictive program, the court may require the ward to observe reasonable conditions and shall set the length of time the ward is to remain in the less restrictive program, not to exceed the remainder of the baseline or modified baseline term. (Welf. & Inst. Code, § 875, subd. (f)(2).) If, after placement in a less restrictive program, the court determines that the ward has materially failed to comply with the court-ordered conditions of placement in the program, the court may modify the terms and conditions of placement in the program or may order the ward to be returned to a secure youth treatment facility for the remainder of the baseline term, or modified baseline term, and subject to further periodic reviews and to the maximum confinement set by the court. (*Ibid.*)

AB 1376 specified that the bill's presumptive maximum of 12 months' probation period does not apply to any ward who is transferred from a secure youth treatment facility to a less restrictive program, as specified, or any ward serving a custodial commitment to a juvenile hall, juvenile home, ranch, camp, or forestry camp, or any ward that has been ordered to be under the supervision of the probation officer for placement in specified out-of-home placements.

This bill removes the exclusion of any ward that has been ordered to be under the supervision of the probation officer for placement in specified out-of-home placements and revises the exclusion for wards who are transferred from an SYTF to an LRP or to wards who are discharged from an SYTF to instead only exclude a ward who is committed to an SYTF while the ward has any remaining baseline or modified baseline term, whether the ward remains in the SYTF or has been transferred to an LRP.

- 4) **Argument in Support:** According to *Center on Juvenile & Criminal Justice*, "Recent evidence indicates that probation, in its current form, often prioritizes monitoring over meaningful rehabilitation. Studies conducted between 2022 and 2024 show that longer probation periods are associated with higher rates of technical violations and non-criminal issues, such as missed appointments or curfew violations. These violations frequently result in deeper system involvement, despite having little to no impact on improving public safety. Research from the Pew Charitable Trusts similarly finds that shorter probation terms can lower recidivism while also reducing costs.

“These challenges are even more pronounced for youth in foster care, who are disproportionately impacted by the juvenile legal system through what is commonly referred to as the “crossover youth” pathway. Findings from the Urban Institute and the Annie E. Casey Foundation demonstrate that foster youth are far more likely to be arrested, formally charged, and placed on probation than their peers. Once involved, they often face additional instability, including frequent placement changes, limited access to consistent services, and overlapping supervision from multiple systems.

“Additionally, AB 1376 left out youth who have been released from Secure Youth Treatment Facilities (SYTFs) after completing their baseline confinement period. Many of these young people have already spent years in custody and have fulfilled the time determined necessary to address their developmental and treatment needs. Requiring extended or indefinite probation after such confinement can hinder, rather than support, successful reintegration into the community.

“Significant racial disparities also persist within the system. Data from the California Department of Justice show that youth of color remain overrepresented at every stage of the juvenile legal process, including probation and placement in secure facilities. They are also more likely to be placed on probation and to remain under supervision for longer periods than white youth, further reinforcing inequities.”

- 5) **Argument in Opposition:** According to *Chief Probation Officers of California*, “CPOC’s opposition was premised on the fact that the bill set a presumption of discharge and removed the court’s ability to make individualized determinations based on the criminogenic risks and rehabilitative needs of youth and the public safety impact to communities to which these youth will be returning.

“While AB 1376 just went into effect in January, courts and probation departments across the state have already seen the impacts to juvenile probationers and the communities to which they are returning prior to completion of necessary rehabilitative programming.

“Now, AB 1886 (Elhawary) seeks to undo limited but necessary exemptions that were part of last year’s AB 1376. AB 1886 seeks to now apply the 12-month limited probation term to wards that have been discharged from a secure youth treatment facility (SYTF), a part of the continuum reserved for the highest risk and highest need youth and young adults up to age 25 for the most serious and violent offenses. Application of the one-year supervision term post custodial baseline term is arbitrary and does not allow for sufficient time for probation support and supervision for the highest risk, highest need population as these individuals establish and reinforce their natural supports that will be critical for their long-term success post their probationary period – and increased public safety. Additionally, the bill would now also apply to probation foster youth which similarly were exempted from the bill last year in light of focused approaches taken by the court in addressing their needs as foster youth within the juvenile justice system.”

6) **Prior Legislation:**

- a) AB 1376 (Bonta), Chapter 575, Statutes of 2025, limited to 12 months from the most recent disposition hearing the period of time a ward may remain on probation, except 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.

- b) SB 824 (Menjivar), of the 2025-2026 Legislative Session, would have required Individualized Rehabilitation Plans (IRP) for youth committed to an SYTF to contain a roadmap for their successful return to their community and requires judges to assess the juvenile's progress at each six-month review hearing. SB 824 was held in the Senate Appropriations Committee suspense file.
- c) AB 102 (Ting), Chapter 38, Statutes of 2023, relevant to this bill, required county probation departments to provide the OYCR with specific juvenile justice data related to the realignment of DJJ.
- d) AB 503 (Stone), of the 2021-2022 Legislative Session, would have limited a ward's probation term to 6 months as specified. AB 503 was vetoed.
- e) SB 92 (Committee on Budget and Fiscal Review), Chapter 18, Statutes of 2021, allowed counties, commencing July 1, 2021, to establish SYTFs for wards who are 14 years of age or older who have been adjudicated and found to be a ward of the court based on an offense that would have resulted in a commitment to the DJJ, as provided.
- f) SB 823 (Committee on Budget and Fiscal Review), Chapter 337, Statutes of 2020, established a process for realigning California's juvenile system by phasing out the state's youth prison system, DJJ, and transferring the responsibility for managing all youthful offenders to local jurisdictions.

REGISTERED SUPPORT / OPPOSITION:

Support

Alliance for Boys & Men of Color (Sponsor)
 ACLU California Action
 Alliance for Boys and Men of Color
 Alliance for Children's Rights
 Anti-recidivism Coalition
 Asian Solidarity Collective
 Back to the Start
 Bay Peace
 Bay-peace
 Bend the Arc: Jewish Action California
 Bend the Arc: Jewish Action, California
 Black Youth Leadership Project
 Bridges of Hope CA
 Brotherhood Crusade
 California Alliance for Youth and Community Justice
 California Attorneys for Criminal Justice
 California Coalition for Women Prisoners
 California Public Defenders Association

California School-based Health Alliance
California Youth Connection
California Youth Connection (CYC)
California Youth Defender Center
Californians for Safety and Justice
Californians for Safety and Justice (CSJ)
Californians United for a Responsible Budget
Cancel the Contract Antelope Valley
Center on Juvenile and Criminal Justice
Children Now
Communities United for Restorative Youth Justice (CURYJ)
Community Interventions
Community Works
Consumer Attorneys of California
Courage California
Ella Baker Center for Human Rights
Essie Justice Group
Fair Chance Project
Felony Murder Elimination Project
Freedom 4 Youth
Fresh Lifelines for Youth
Fresh Lifelines for Youth (FLY)
Fresno Barrios Unidos
Glide Foundation
Haywood Burns Institute
Hoops 4 Justice
Initiate Justice
Initiate Justice Action
Insideout Writers
Integral Community Solutions Institute
Justice2jobs Coalition
LA Defensa
Legal Services for Prisoner With Children
Legal Services for Prisoners With Children / All of US or None
Local 148 Los Angeles County Public Defender's Union
National Center for Youth Law
National Center for Youth Law (NCYL)
Pillars of the Community
Restore 180
Restoring Hope California
San Francisco Public Defender's Office
San Francisco Public Defender's Office
Santa Cruz Barrios Unidos
Silicon Valley De-bug
Silicon Valley Debug
Sister Warriors Freedom Coalition
Smart Justice California, a Project of Beyond Impact
Starting Over INC.
The California Youth Justice Project

The Collective for Liberatory Lawyering
The W. Haywood Burns Institute
Ujima Adult and Family Services
Underground Grit
Universidad Popular
Upward Together
Urban Peace Institute
Urban Peace Movement
Western Center on Law & Poverty
Western Center on Law and Poverty
Youngsters for Change
Youth Alliance
Youth Justice Coalition
Youth Justice Coalition LA
Youth Justice Education Clinic, Center for Juvenile Law and Policy, Loyola Law School
Youth Law Center
Youth Leadership Institute

Opposition

California District Attorneys Association
California Police Chiefs Association
Chief Probation Officers' of California (CPOC)
Juvenile Court Judges of California
Peace Officers Research Association of California (PORAC)
Solano County Board of Supervisors

Analysis Prepared by: Stella Choe / PUB. S. / (916) 319-3744