

ASSEMBLY THIRD READING
AB 1886 (Elhawary)
As Amended March 16, 2026
Majority vote

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.

Major Provisions

- 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.

COMMENTS

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."

Arguments 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."

Arguments 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.”

FISCAL COMMENTS

Unknown. This bill is keyed non-fiscal by the Legislative Counsel.

VOTES

ASM PUBLIC SAFETY: 5-2-2

YES: Schultz, Mark González, Haney, Harabedian, Sharp-Collins

NO: Alanis, Lackey

ABS, ABST OR NV: Nguyen, Ramos

UPDATED

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