

CONCURRENCE IN SENATE AMENDMENTS

AB 1886 (Elhawary)

As Amended August 19, 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.

Senate Amendments

- 1) Delete the bill's application of the 12-month limitation to a ward upon discharge from a secure youth treatment facility (SYTF) to a period of probation supervision in the community or upon the commitment being set aside.

COMMENTS

As Passed by the Assembly: This bill removed 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) Stated 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) Provided 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) Removed 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) Revised the exclusion from the 12-month probation limitation that applies to wards who are transferred from an 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) Applied 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) Stated 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.

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."

....

"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*, "This change is coming just months after the enactment of AB 1376, which has been applied retroactively, and before the impacts of that bill have fully materialized. Assembly Bill 1376, when implemented in January of this year, set a 12-month mandatory presumption for discharge from court-ordered probation for wards of the court, including those adjudicated of having committed the most serious and violent 707(b) offenses including murder, rape, and kidnapping. Specific concerns include:

"Application of the 12-month shortened term to Secure Youth Treatment Facilities (SYTF): Despite the removal of the Secure Youth Treatment Facility (SYTF) language from the bill, we would note that the current statutory language around SYTFs, as adopted pursuant to last year's AB 1376, is drafted in a way that does not expressly exempt the time in detention *serving a*

commitment to SYTFs from the 12-month presumption similar to how the language reads for juvenile halls, camps, and ranches.

"Applies the 12-month shortened term to a population exempted in previous legislation: AB 1886 (Elhawary) seeks to undo limited but necessary exemptions that were part of last year's AB 1376. This bill would now also apply to probation foster youth, which were exempted from the bill last year in light of focused approaches taken by the court in addition to supplemental supports and services addressing their needs as foster youth within the juvenile justice system. These are youth who have been adjudicated of a multitude of offenses, including serious and violent offenses and are placed in out-of-home care.

"Undermines public safety and individualized rehabilitation: This bill builds on policy that creates public safety impacts through the arbitrary shortening of juvenile probation terms that moves away from a focus on individualized rehabilitative progress."

FISCAL COMMENTS

Unknown. This bill was keyed non-fiscal by 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

ASSEMBLY FLOOR: 46-21-13

YES: Addis, Aguiar-Curry, Ahrens, Alvarez, Arambula, Ávila Farías, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Elhawary, Fong, Gabriel, Garcia, Mark González, Haney, Harabedian, Hart, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Muratsuchi, Ortega, Papan, Pellerin, Ransom, Rogers, Schiavo, Schultz, Sharp-Collins, Solache, Stefani, Ward, Wicks, Wilson, Zbur, Rivas

NO: Alanis, Bains, Castillo, Chen, Davies, DeMaio, Dixon, Ellis, Flora, Gallagher, Jeff Gonzalez, Hadwick, Hoover, Johnson, Lackey, Macedo, Patterson, Sanchez, Ta, Tangipa, Wallis

ABS, ABST OR NV: Gipson, Irwin, Nguyen, Pacheco, Patel, Petrie-Norris, Quirk-Silva, Ramos, Celeste Rodriguez, Michelle Rodriguez, Blanca Rubio, Soria, Valencia

UPDATED

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