

Date of Hearing: May 13, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

AB 1902 (Pellerin) – As Amended April 20, 2026

Policy Committee: Public Safety

Vote: 7 - 0

Urgency: No

State Mandated Local Program: Yes

Reimbursable: Yes

**SUMMARY:**

This bill modifies the process under Welfare and Institutions Code Section 876 by which a court may order continued detention of a person beyond the discharge date from a Secure Youth Treatment Facility (SYTF) based on a finding that the person is physically dangerous to the public.

Specifically, this bill:

- 1) Extends the maximum period of continued detention from two to four years per court order, and requires the court to determine the period based on the person's individual treatment needs, informed by a clinical assessment by the treatment team, and to state on the record the basis for the period ordered.
- 2) Adds the State Department of State Hospitals (DSH) and other appropriate adult institutions as custody options.
- 3) Requires the person to remain in custody during the petition process, and provides that the probable cause hearing is not continued except upon a showing of good cause.
- 4) Allows the probable cause finding to be based on expert reports attached to or incorporated into the petition and on sworn testimony of a law enforcement officer, while preserving rights to cross-examination and to compel attendance of witnesses.
- 5) Extends the time to trial from 30 to 60 days from the determination of probable cause.
- 6) Applies the criminal discovery process under Penal Code Sections 1054 *et seq.* to Section 876 proceedings.

**FISCAL EFFECT:**

- 1) Costs of an unknown amount to DSH (General Fund) to the extent persons subject to continued detention orders are placed in DSH custody as an alternative to SYTF or other appropriate adult institution. The bill adds DSH as a custody option not previously authorized for Section 876 detentions—namely, to people who were committed as juveniles and confined in a county-run SYTF, whose SYTF maximum term has expired, and who have been found beyond a reasonable doubt to be physically dangerous to the public because of a mental or physical condition causing serious difficulty controlling dangerous behavior. The bill's specific authority to transfer custody to DSH applies to persons over 25 years of age.

As reported by DSH, based on FY 2024-25 data, the average cost of care per patient per day in a state hospital is \$1,121 (\$409,165 General Fund/year). The amount would depend on the number of people who were placed in DSH custody; if only one person detained in SYTF were transferred to DSH custody pursuant to this bill, this would be over the committee's suspense threshold of \$150,000.

- 2) Cost pressures (Trial Court Trust Fund, General Fund) to the trial courts to adjudicate petitions for continued detention, including probable cause hearings and jury trials. This bill extends the maximum period of continued detention from two to four years per court order, potentially reducing the frequency of trials regarding continued detention. Although courts are not funded on the basis of workload, increased pressure on the Trial Court Trust Fund may create a need for increased funding for courts from the General Fund. The state budget provides annual General Fund backfills to the Trial Court Trust Fund to offset revenue reductions, totaling approximately \$117.3 million in 2025-26.
- 3) Increased pressure on the 2011 Realignment funding allocation to county probation departments to support extended SYTF custody periods of up to four years per court order. Per the policy committee analysis and the bill's sponsor, the Section 876 process has been used once statewide since 2020. The Chief Probation Officers of California (CPOC) notes that the bill's scope is very narrow and that when the process is triggered, the person is already in custody.
- 4) Minor and absorbable workload costs (General Fund) to the Office of Youth and Community Restoration's (OYCR) Ombudsperson Division and Compliance Monitoring Section to support potential increases in the number of youth on extended commitments under the bill.
- 5) Local prosecution and public defender costs to county district attorneys and county public defenders to litigate Section 876 petitions. County costs are not state-mandated local program costs absent a determination by the Commission on State Mandates.

The Legislative Analyst's Office recently warned of General Fund structural deficits of around \$35 billion per year beginning in the 2027-28 fiscal year.

#### COMMENTS:

- 1) **Purpose.** According to the author, the bill responds to procedural questions raised during the first Section 876 hearing in California in Santa Cruz, and aims to clarify custodial jurisdiction during proceedings, address continuance procedures, and extend the intervals between extension hearings to reduce repeated court appearances by victims' families.
- 2) **Background.** California's Secure Youth Treatment Facility (SYTF) framework, established by SB 823 (Committee on Budget and Fiscal Review), Chapter 337, Statutes of 2020, and SB 92 (Committee on Budget and Fiscal Review), Chapter 18, Statutes of 2021, closed the state Division of Juvenile Justice and transferred responsibility for serious juvenile offenders to county-run SYTFs. SYTFs house wards age 14 or older adjudicated for offenses listed in Welfare and Institutions Code Section 707(b). The court sets a baseline term of confinement based on the offense and a maximum term that generally cannot extend beyond age 23, or age 25 for offenses for which an adult would face an aggregate sentence of seven or more years.

Welfare and Institutions Code Section 876 carries forward, in modified form, an extended-detention authority that previously existed for the Division of Juvenile Justice under Welfare and Institutions Code Section 1800. Section 876 authorizes a court, upon petition filed at least 90 days before the SYTF discharge date, to order continued detention beyond the discharge date upon a finding beyond a reasonable doubt that the person is physically dangerous to the public because of a mental or physical condition, disorder, or other problem causing serious difficulty controlling dangerous behavior. The process is triggered by the probation department, which requests the prosecuting attorney to file the petition; the court then holds a probable cause hearing within 10 calendar days, and if probable cause is found, a jury trial follows. The current statute caps continued detention at two years per order, with new petitions required to extend further. Per the bill's sponsor, the Section 876 process has been used once statewide since 2020.

This bill would amend Section 876 to (a) replace the existing two-year cap on each continued detention order with a court-determined period not to exceed four years, and (b) authorize the person to remain in custody in a secure youth treatment facility, state mental health hospital, or other appropriate adult institution during the pendency of probable cause and trial proceedings and during the continued detention order itself, and authorize the court to transfer custody of a person over 25 years of age to the State Department of State Hospitals or other appropriate adult institution for treatment and detention. The bill makes additional procedural changes to align successive-petition intervals with the longer order, govern continuances of the probable cause hearing, clarify probable cause evidentiary rules, and apply criminal discovery procedures to Section 876 proceedings.

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