
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: AB 1902 **Hearing Date:** June 30, 2026
Author: Pellerin
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Urgency: No **Fiscal:** Yes
Consultant: SJ

Subject: *Secure youth treatment facilities*

HISTORY

Source: Santa Cruz County District Attorney's Office

Prior Legislation: SB 92 (Com. on Budget & Fiscal Rev.), Ch. 18, Stats. of 2021
SB 823 (Com. on Budget & Fiscal Rev.), Ch. 337, Stats. of 2020
SB 1391 (Lara), Ch. 1012, Stats. of 2018
SB 81 (Com. on Budget & Fiscal Rev.), Ch. 175, Stats. of 2007
SB 447 (Pachoogian), Ch. 110, Stats. of 2005

Support: California District Attorneys Association; California Police Chiefs Association; Capitola Police Department; City of Scotts Valley; City of Watsonville, Mayor Kristal Salcido; County of Santa Cruz Board of Supervisors; Los Angeles County District Attorney's Office; Peace Officers Research Association of California; Santa Cruz County Sheriff's Office; Santa Cruz Police Department

Opposition: Alianza for Opportunity; Alliance for Boys and Men of Color; California Coalition for Women Prisoners; California Public Defenders Association; California Youth Defender Center; Californians United for a Responsible Budget; Cancel the Contract Antelope Valley; Center on Juvenile and Criminal Justice; Communities United for Restorative Youth Justice; Community Interventions; Felony Murder Elimination Project; Fresh Lifelines for Youth; Friends Committee on Legislation of California; Hang Out Do Good; Human Rights Watch; Initiate Justice; Justice2Jobs Coalition; La Defensa; Milpa Collective; Missio Dei Community; National Center for Youth Law; Restore 180; Restoring Hope California; Silicon Valley De-Bug; Sister Warriors Freedom Coalition; The California Youth Justice Project; The Collective for Liberatory Lawyering; The W. Haywood Burns Institute; Urban Peace Institute; Youth Justice Coalition

Assembly Floor Vote: 66 - 0

PURPOSE

The purpose of this bill is to authorize a court to order an extended confinement for a person who is set to be discharged from a secure youth treatment facility (SYTF) for up to 4 years based on a finding that the person is physically dangerous to the public, and to make other changes to the process to extend detention.

Existing law provides, generally, that a minor who is between 12 years of age and 17 years of age, inclusive, when the minor violates any law defining a crime, is subject to the jurisdiction of the juvenile court and to adjudication as a ward. (Welf. & Inst. Code, § 602, subd. (a).)

Existing law authorizes a court to make any reasonable orders for the care, supervision, custody, conduct, maintenance, and support of a minor or nonminor who is adjudged a ward of the court. (Welf. & Inst. Code, § 727, subd. (a)(1).)

Existing law authorizes a court to order commitment of a minor to a juvenile home, ranch, camp, or forestry camp, or to juvenile hall if the county does not have a juvenile home, ranch, camp, or forestry camp, when the minor is adjudged a ward of the court. (Welf. & Inst. Code, § 730, subd. (a)(1).)

Existing law authorizes a court to order a ward who is 14 years of age or older to be committed to an SYTF for a period of confinement if the ward meets all of the following criteria:

- The juvenile is adjudicated and found to be a ward of the court based on an offense listed in Section 707(b) that was committed when the juvenile was 14 years of age or older.
- The adjudication is the most recent offense for which the juvenile has been adjudicated.
- The court has made a finding on the record that a less restrictive, alternative disposition for the ward is unsuitable. (Welf. & Inst. Code, § 875, subd. (a)(1)-(3).)

Existing law requires the court, in determining whether a less restrictive disposition is suitable, to consider all relevant and material evidence, including the recommendations of counsel, the probation department, and any other agency or individual designated by the court to advise on the appropriate disposition of the case. Requires the court to additionally make its determination based on specified criteria, including the severity of the offense or offenses for which the ward has been most recently adjudicated; the ward's previous delinquent history; whether the programming, treatment, and education offered and provided in an SYTF is appropriate to meet the treatment and security needs of the ward; and whether the goals of rehabilitation and community safety can be met by assigning the ward to an alternative, less restrictive disposition that is available to the court, among other things. (Welf. & Inst. Code, § 875, subd. (a)(3)(A)-(E).)

Existing law requires the court, in making its order of commitment for a ward, to set a baseline term of confinement for the ward that is based on the most serious recent offense for which the ward has been adjudicated. Requires the baseline term of confinement to represent the time in custody necessary to meet the developmental and treatment needs of the ward and to prepare the ward for discharge to a period of probation supervision in the community. Requires the baseline term of confinement for the ward to be determined according to offense-based classifications. Provides that the baseline term is subject to modification in progress review hearings. (Welf. & Inst. Code, § 875, subd. (b)(1).)

Existing law requires the court, in making its order of commitment, to additionally set a maximum term of confinement for the ward based upon the facts and circumstances of the matter or matters that brought or continued the ward under the jurisdiction of the court and as deemed appropriate to achieve rehabilitation. (Welf. & Inst. Code, § 875, subd. (c)(1).)

Existing law provides that the maximum term of confinement is the longest term of confinement in a facility that the ward may serve subject to the following:

- Prohibits a ward committed to an SYTF from being held in secure confinement beyond 23 years of age, or two years from the date of the commitment, whichever occurs later. Allows a ward who has been committed to an SYTF based on adjudication for an offense or offenses for which the ward, if convicted in adult criminal court, would face an aggregate sentence of seven or more years, to be held in secure confinement until 25 years of age, or two years from the date of commitment, whichever occurs later.
- Prohibits the maximum term of confinement from exceeding the middle term of imprisonment that can be imposed upon an adult convicted of the same offense or offenses. Requires, if the court elects to aggregate the period of physical confinement on multiple counts or multiple petitions, the maximum term of confinement to be the aggregate term of imprisonment specified in Section 1170.1 of the Penal Code.
- Requires precommitment credits for time served to be applied against the maximum term of confinement. (Welf. & Inst. Code, § 875, subd. (c)(1)(A)-(C).)

Existing law provides that is the intent of the Legislature to apply existing law (beginning with Section 1800), governing extended detention of persons physically dangerous to the public who are served by DJJ, to persons physically dangerous to the public who are committed to an SYTF, pending development of a specific commitment process for realigned persons. (Welf. & Inst. Code, § 875.5.)

Existing law requires the probation department, if it determines the discharge of a person confined in an SYTF would be physically dangerous to the public because of the person's mental or physical condition, disorder, or other problem that causes the person to have serious difficulty controlling their behavior, to request the prosecuting attorney to petition the committing court for an order directing that the person remain subject to the control of the department beyond the release date. (Welf. & Inst. Code, § 876, subd. (a).)

Existing law requires the prosecuting attorney to promptly notify the probation department of a decision not to file a petition. (Welf. & Inst. Code, § 876, subd. (b).)

Existing law requires the court, if a petition is filed with the court and, upon review, the court determines that the petition, on its face, supports a finding of probable cause, to order that a hearing be held. Requires the person who is the subject of the petition to receive notice, have an opportunity to appear at the hearing with the aid of counsel, and the right to cross-examine experts or other witnesses upon whose information, opinion, or testimony the petition is based. (Welf. & Inst. Code, § 876, subd. (c).)

Existing law requires the probable cause hearing to be held within 10 calendar days after the date the order for a hearing is issued unless the person named in the petition waives time. (Welf. & Inst. Code, § 876, subd. (c).)

Existing law requires the court, if it determines there is not probable cause, to dismiss the petition and the person must be discharged from the control of the SYTF, as applicable. Requires the court to order that a trial be conducted to determine whether the person is physically dangerous to the public because of their mental or physical condition, disorder, or other problem, if it determines there is probable cause. (Welf. & Inst. Code, § 876, subd. (d).)

Existing law requires that the trial be by jury unless the right is waived. Requires the verdict to be unanimous and provides that the standard is beyond a reasonable doubt. Provides that the person is entitled to all rights guaranteed under the federal and state constitutions in criminal proceedings. (Welf. & Inst. Code, § 876, subd. (e).)

Existing law requires the probation department to continue to have control over the person if an order for continued detention is made. Requires the department to, within two years after the date of the order, file a new application for continued detention if deemed necessary. (Welf. & Inst. Code, § 876, subd. (f).)

Existing law authorizes these applications to be repeated at intervals as often as in the opinion of the probation department may be necessary for the protection of the public, except that the court has the power, in order to protect other persons in the custody of probation to refer the person for evaluation for civil commitment or to transfer the custody of any person over 25 years of age to the county adult probation authorities for placement in an appropriate institution. (Welf. & Inst. Code, § 876, subd. (f).)

Existing law provides that an order of the committing court for continued detention is appealable by the person whose liberty is involved in the same manner as a judgment in a criminal case. Authorizes the appellate court to affirm the order of the lower court, or modify it, or reverse it and order the appellant to be discharged. Requires the appellant to remain under the control of the probation department pending appeal. (Welf. & Inst. Code, § 876, subd. (g).)

This bill requires that the person remain in custody in an SYTF until the conclusion of a probable cause hearing if the court determines that the petition, on its face, supports a finding of probable cause.

This bill prohibits the probable cause hearing from being continued, except upon a showing of good cause by the party requesting the continuance.

This bill provides that the finding of probable cause may be based in whole or in part on the opinions of an expert admitted through the expert's reports provided that the report was first attached to, or incorporated by, reference in the petition. Provides that the finding of probable cause may also be based in whole or in part on the sworn testimony of a law enforcement officer or honorably retired law enforcement officer.

This bill changes the timeline for the trial and require that the person be brought to trial within 60 days from the determination that there is probable cause, unless good cause to the contrary is shown, the person enters a general waiver of the 60-day trial requirement, or the person requests or consents to the setting of a trial date beyond the 60-day period.

This bill requires the court, if it or the jury finds that the person has a mental condition or disorder that makes them dangerous, to determine the period of continued detention informed by the evidence presented at trial and a clinical assessment by the person's treatment team at the SYTF based on the person's individual treatment needs for the underlying mental condition, disorder, or other problem. Prohibits continued detention from exceeding 4 years. Requires the court to state on the record the basis for the period ordered.

This bill requires that the criminal discovery process, as specified, applies to all proceedings.

COMMENTS

1. Need For This Bill

According to the author:

In 2015, the Santa Cruz community was devastated when the brutally murdered body of 8-year old Maddy Middleton was discovered. The crime shook Santa Cruz County to its core and forever changed the lives of Maddy's family.

In 2021, the jury found the defendant, Adrian Gonzalez, guilty of Maddy's murder and he was sent to a secured youth treatment facility.

However, believing he remained a threat, the Santa Cruz DA filed a motion for a detention extension hearing. These hearings are intended to determine whether a ward still poses a danger to the public and are reserved for the most serious cases. In 2024, Santa Cruz County became the first county in the state to proceed with this petition. After hearing the evidence, a jury once again found it was best to keep Gonzalez detained.

AB 1902 is the result of discussions I had with jurors and the DA following the conclusion of the hearing.

Specifically, AB 1902 clarifies custodial jurisdiction, addresses continuance procedures, extends the intervals between extension hearings, and clarifies the settings a ward can be sent to ensure appropriate treatment at a more appropriate facility. These changes will provide needed clarity in future proceedings and help ensure the system delivers justice while also recognizing the profound impact these cases have on victims' families.

2. Juvenile Court Jurisdiction

As a general rule, any person between the age of 12 and 17 who commits a crime falls within the jurisdiction of the juvenile court. (Welf. & Inst. Code, § 602.) This extends to a youth alleged to have committed a crime before their 18th birthday, even if they were an adult at the time of arrest or commencement of proceedings. (Welf. & Inst. Code, § 603.) For example, if someone commits a crime at age 17, but it is not discovered or tried until the person is 20, the person can still be tried in juvenile court. The jurisdiction of the juvenile court generally continues until the youth is 21 years old, unless the youth committed a 707(b) offense, then the court may retain jurisdiction until the person attains 23 years of age. Additionally, if the youth would have, in criminal court, faced an aggregate sentence of 7 years or more, the juvenile court's jurisdiction continues until the youth turns 25. (Welf. & Inst. Code, § 607.)

Existing law provides that any person whose case originated in juvenile court shall remain, if the person is held in secure detention, in a county juvenile facility until the person attains 25 years of age, unless the probation department petitions the court to house a person who is 19 years of age or older in an adult facility, including a jail or other facility established for the purpose of confinement of adults. (Welf. & Inst. Code, § 208.5.)

3. Secure Youth Treatment Facilities

With the passage of SB 823 (Committee on Budget), Chapter 337, Statutes of 2020, the state planned the closure of the Division of Juvenile Justice (DJJ) and realigned the responsibility for managing all youth under the jurisdiction of the juvenile courts to county probation departments. This change resulted in the reallocation of funding to counties to enable them to meet the needs of youth who would have previously been committed to DJJ. SB 823 also established the Office of Youth and Community Restoration (OYCR) within the California Health & Human Services (CalHHS) Agency. OYCR's mission is to “promote[] trauma responsive, culturally informed, gender honoring, and developmentally appropriate services for youth involved in the juvenile justice system that support the youths’ successful transition into adulthood” and its “vision of youth justice is one that is framed by accountability and healing rather than punishment, and has been driven by on-the-ground advocates, researchers and probation departments, along with policy, funding, and practice changes, working together to make this new vision of youth justice a reality.” (OYCR, *About OYCR* available at <<https://www.oocr.ca.gov/about/#our-mission>>.)

SB 92 (Committee on Budget), Chapter 18, Statutes of 2021, was enacted the following year to establish a new dispositional option for juveniles ages 14 and over who are adjudicated for a Welfare and Institutions Code section 707(b) offense (i.e., a specified serious or violent felony) and for whom a less restrictive alternative disposition is not suitable. This dispositional option—commitment to an SYTF—is a secured, custodial setting. Counties are not required to establish an SYTF and may contract with another county that has an SYTF to house this population. A county is also authorized to establish an SYTF to serve as a regional center for the commitment of juveniles from one or more counties. A county that elects to establish an SYTF is required to notify and submit a description of the facility to the BSCC to ensure compliance with standards pertaining to facility design and security, among other things.

4. Baseline Term of Commitment

If a court commits a youth to an SYTF, it must set a baseline term of commitment that must “represent the time in custody necessary to meet the developmental and treatment needs of the ward and to prepare the ward for discharge to a period of probation supervision in the community.” (Welf. & Inst. Code, § 875, subd. (b)(1).) The baseline term is established using an offense-based classification matrix developed and adopted by the Judicial Council. The matrix was developed with three primary objectives in mind: positive youth development, public and community safety, and flexible and fair terms of commitment. (Judicial Council of California, *Invitation to Comment on Juvenile Law: Secure Youth Treatment Facility Offense-Based Classification Matrix* (SP22-14), p. 3 available at <<https://www.courts.ca.gov/system/files?file=itc/sp22-14.pdf>>.)

The California Rules of Court outline how the baseline term of commitment is determined. In selecting the baseline term, the court must consider the following: the circumstances and gravity of the commitment offense; the youth’s prior history in the juvenile justice system; the confinement time considered reasonable and necessary to achieve the rehabilitation of the youth; and the youth’s developmental history. (Cal. Rules of Court, rule 5.806(a).) Each of these criteria include additional factors for the court to consider, but the rule specifies that “[e]numerated factors listed ... that are outside the youth’s control must not result in a longer baseline term than otherwise needed to meet [the objective that the baseline term is no longer

than necessary to meet the developmental needs of the youth and to prepare the youth for discharge to a period of probation supervision in the community].” (*Ibid.*)

The rule includes the offense-based matrix that establishes terms with a range of years for various offenses. For example, the matrix specifies a term of 4-7 years for murder, kidnapping with bodily harm involving death or substantial bodily injury, and torture. (Cal. Rules of Court, rule 5.806(d).) Attempted murder, voluntary manslaughter, specified kidnapping offenses, and specified sex offenses, including rape with force, violence, or threat of great bodily harm, have a term of 3-5 years. (*Ibid.*) A variety of offenses, including arson, robbery, carjacking, specified weapons-related offenses, specified types of assault, and specified gang-related offenses have a term of 2-4 years. (*Ibid.*) Finally, witness or victim intimidation, bribery of a witness, and specified offenses related to manufacturing or selling drugs, such as PCP, have a term of 1-2 years. (*Ibid.*)

The court must also set the maximum term of confinement for the youth. In general, a youth committed to an SYTF cannot be held in secure confinement beyond 23 years of age or two years from the date of the commitment, whichever occurs later, unless the youth has been committed to an SYTF based on adjudication for an offense or offenses for which the youth would have faced an aggregate sentence of seven or more years if convicted in adult criminal court. (Welf. & Inst. Code, § 875, subd. (c)(1)(A).) In that case, the youth can be held until 25 years of age or two years from the date of commitment, whichever occurs later. (Welf. & Inst. Code, § 875, subd. (c)(1)(A).) Additionally, the maximum term of confinement cannot exceed the middle term of imprisonment that can be imposed upon an adult convicted of the same offense or offenses, except as specified. (Welf. & Inst. Code, § 875, subd. (c)(1)(B).)

5. Authority to Extend Confinement

Prior to the closure of DJJ, Welfare and Institutions Code section 1800 established a process to extend confinement of a juvenile offender committed to DJJ due to the “person’s mental or physical deficiency, disorder, or abnormality that causes the person to have serious difficulty controlling his or her dangerous behavior” making the person “physically dangerous to the public.” Upon DJJ’s closure and the creation of the SYTF, a similar process to extend confinement of a juvenile offender committed to an SYTF was codified in Welfare and Institutions Code section 876.

Predecessor Statute

The language for extending confinement of persons committed to SYTFs largely mirrors the statutory process that authorized DJJ (and its predecessor, the California Youth Authority) to request the prosecuting attorney to petition the committing court for an order directing that the person remain subject to the control of the division beyond that time. (Welf. & Inst. Code, § 1800, subd. (a).) Welfare and Institutions Code section 1800 required that the petition be filed at least 90 days before the time of discharge otherwise required. (*Ibid.*) Section 1801 required a probable cause hearing to be held if the court determined that the petition supported a finding of probable cause on its face. If probable cause was found, a jury trial was ordered. (Welf. & Inst. Code, § 1801.) Welfare and Institutions Code section 1801.5 required a trial by jury unless personally waived and a unanimous verdict, and specified that the standard of proof was proof beyond a reasonable doubt. (Welf. & Inst. Code, § 1801.5.) The maximum term of extended confinement was two years unless a new petition was filed. (Welf. & Inst. Code, § 1802.)

The extended detention scheme codified in Section 1800 et seq. was enacted in 1963. (*In re Howard N.* (2005) 35 Cal. 4th 117, 136.) It provided for the civil commitment of individuals under the control of DJJ and was considered neither a juvenile proceeding nor an extension of a prior juvenile court proceeding. (*In re Gary W.* (1971) 3 Cal.3d 296, 305.) Because the U.S. Supreme Court “repeatedly ... recognized that civil commitment for any purpose constitutes a significant deprivation of liberty that requires due process protection,” the statute was amended to include a right to a jury trial that was absent when the law was initially enacted. (*Addington v. Texas* (1979) 441 U.S. 418, 425; *In re Gary W.*, *supra*, at p. 307.) At one time, Section 1802 authorized extended detention for five years, but the statute was amended in 1980 to a two-year extension. (*People v. Smith* (1971) 5 Cal.3d 313; Chapter 1117, Statutes of 1980.)¹

Current Statute

Welfare and Institutions Code section 876 adopted a substantially similar process to order extended confinement for persons committed to an SYTF. The process is triggered by a probation department’s determination that the discharge of the person from an SYTF at the time statutorily required would be physically dangerous to the public because of the person’s mental or physical condition, disorder, or other problem that causes the person to have serious difficulty controlling their dangerous behavior. The probation department then requests the prosecuting attorney to file a petition at least 90 days before the time of discharge otherwise required. If the prosecuting attorney files a petition and the court determines there is probable cause at a probable cause hearing, a trial must be ordered and conducted within 30 days from the date of the order for trial, unless waived.

If the person is found at trial by unanimous verdict that the person is physically dangerous to the public because of a mental or physical condition, disorder, or other problem that causes the person to have serious difficulty controlling their dangerous behavior by proof beyond a reasonable doubt, the court shall order extended confinement under the control of the probation department for a period of up to two years. A new application for continued detention may be repeated at intervals as often as in the opinion of the probation department is deemed necessary. The court is authorized, in order to protect other persons in the custody of probation to refer the custody of a person over 25 years of age to the county adult probation authorities for placement in an appropriate institution.

The processes outlined in Section 876 are similar to other civil commitment statutes. For example, the offender with a mental health disorder (OMHD) law authorizes a person to be committed in a state hospital as a condition of parole. Prior to the person’s parole termination date, if the entity providing treatment the disorder is not in remission or cannot be kept in remission if the person’s treatment is not continued, and by reason of the person’s severe mental disorder, the person represents a substantial danger of physical harm to others. (Pen. Code, § 2970.) The prosecuting attorney may file a petition which would require the court to order a hearing to determine whether the person meets the requirements to be an OMHD and held. (Pen. Code, § 2972.) The hearing is required to take place no later than 30 days before discharge, unless good cause is shown. (*Ibid.*) A unanimous verdict is required and the standard of proof is beyond a reasonable doubt. The length of confinement is for one year and may be renewed. (*Ibid.*)

¹ Statutes of California and Digests of Measures (1980), Volume 3, p. 3608 available at <<https://clerk.assembly.ca.gov/sites/clerk.assembly.ca.gov/files/archive/Statutes/1980/80Vol3.PDF#page=3>>.

The process to confine a person who is scheduled to be released from prison to a state hospital for involuntary treatment as a sexually violent predator (SVP) also requires a clinical evaluation of the individual to determine whether the person meets the SVP criteria. (Welf. & Inst. Code, § 6600 et seq.) If the evaluators agree that the person meets SVP criteria, a petition is filed in the county where the person was convicted. (*Ibid.*) A probable cause hearing is held and if probable cause is found, a jury trial is ordered. (*Ibid.*) The prosecution must prove beyond a reasonable doubt that the person meets the requirements of an SVP including that the person suffers from a diagnosed mental disorder and is likely to engage in predatory sexually violent conduct if released. (*Ibid.*) The verdict must be unanimous. (*Ibid.*) The length of confinement is indefinite but the state hospital must conduct a yearly evaluation to ensure that the person continues to meet the definition of an SVP. (*Ibid.*)

6. Effect of This Bill

This bill makes changes to the detention extension process for individuals committed to an SYTF. First, this bill requires that a person remain in custody in SYTF until the conclusion of a probable cause hearing if the court determines that the petition, on its face, supports a finding of probable cause. This bill also prohibits the probable cause hearing from being continued, except for good cause. This bill provides that the finding of probable cause may be based on expert opinions or sworn testimony of a law enforcement officer. This bill extends the timeline for the trial and requires that the person be brought to trial within 60 days from the determination that there is probable cause.

This bill additionally authorizes the court to order a person's continued detention for up to 4 years—two years longer than is permitted under current law. The court must state on the record the basis for the period ordered. Finally, this bill requires that the criminal discovery process applies to all proceedings related to a person's continued detention.

This bill was introduced in response to the extended detention process of Adrian Gonzalez who was adjudicated as a juvenile for crimes he was found to have committed at the age of 15. Specifically, Gonzalez was found to have committed murder with special circumstances, kidnapping, and sexual assault-related offenses for the rape and murder of his 8-year-old neighbor, Madyson “Maddy” Middleton, in 2015.² Gonzalez was committed to DJJ until its closure and then transferred to an SYTF in Sonoma County.³ Gonzalez was set to be discharged at the age of 25, however, prosecutors filed a petition to keep him in custody arguing that due to the violent nature of Gonzalez's crime, he continued to pose a risk to the community.⁴

After a several weeks, the jury found that Gonzalez should remain in custody for two additional years.⁵ He was ordered returned to the juvenile detention facility in Sonoma County, in coordination with Santa Cruz County Probation Department, where he is to undergo an updated

² Corinne Putil, *In 2015, a rape and murder of an 8-year-old horrified Santa Cruz. Court weighs whether to set killer free* (Jul. 24, 2024) available at <<https://www.latimes.com/california/story/2024-07-24/santa-cruz-murder-maddy-middleton-killer-could-go-free>>.

³ See *Teen killer of 8-year-old Maddy Middleton, now 25, denied parole in Santa Cruz County* (Feb. 21, 2025) available at <<https://www.cbsnews.com/sanfrancisco/news/teen-killer-of-8-year-old-maddy-middleton-now-25-denied-parole-in-santa-cruz-county/>>.

⁴ *Ibid.*

⁵ *Ibid.*

rehabilitation treatment plan.⁶ After the trial, the district attorney and community members, including Maddy's family and friends, expressed frustration that the maximum term of continued confinement is two years unless a new petition is filed and another trial is conducted to extend Gonzalez's custody once again.⁷

Opponents to the bill are particularly concerned that the detention extension period authorized under the bill is twice as long as what is permitted under current law and longer than some post-prison civil commitments authorized for adult offenders (i.e., individuals who were adults at the time of their commitment offense), including the OMHD commitment. Opponents to the bill also contend that the detention extension could serve to divert juvenile offenders into adult custodial settings (i.e., county jail or state prison) for extended periods of time.

7. Argument in Support

According to the Santa Cruz County District Attorney's Office, the bill's sponsor:

In 2021, Gonzalez's case was adjudicated in juvenile court. He was 21 years and six months old. Juvenile jurisdiction terminates when the offender reaches 25 years of age. Welfare and Institutions Code section 1800 allowed the Division of Juvenile Justice to trigger a process to extend detention after the age of 25, though it was infrequently-used as the most serious juvenile offenders were transferred to adult court. DJJ was closed months after Gonzalez's plea and the process was partially shifted to Welfare and Institutions Code section 876, with probation now tasked with triggering the process.

In 2024, only three years after Gonzalez's plea, Maddy's family was back in court for the first Welfare and Institutions Code section 876 hearing in California. Maddy's family and the community – including jurors – were forced to relive Maddy's sexual assault and murder. Inmates housed with Gonzalez in the Santa Cruz County Jail were so disturbed by Gonzalez's behavior and how he described murdering Maddy that they reached out to law enforcement to testify against him. Expert witness fees alone cost \$72,000. In 2025, a traumatized jury found beyond a reasonable doubt Gonzalez posed a continued danger to the public. But in two short years, Maddy's family will again be dragged back into court to again relive the crime.

AB 1902 sensibly seeks to reduce trauma to the victims and the community by turning this two-year interval to a ten-year interval. This will give Maddy's family and the community the longest period of time to heal since her murder 11 years ago.

The ten-year interval will also give the most serious young adult offenders time to work on rehabilitation. Two years is not enough for an offender like Gonzalez to address his criminogenic needs. It is worth noting that ten years is significantly shorter than the indefinite detention the electorate put into place for sexually

⁶ Aric Sleeper, *Concerns about state law raised after verdict reached in Adrian Gonzalez trial* (Feb. 20, 2025) available at <<https://www.santacruzsentinel.com/2025/02/20/concerns-about-state-law-raised-after-verdict-reached-in-adrian-gonzalez-trial/>>.

⁷ *Ibid.*

violent predators and the 15-year maximum parole denial period for incarcerated individuals who need significant rehabilitative work. We feel that AB 1902's ten-year interval sensibly balances victim rights, public safety, the age of the offender, and rehabilitative goals.

AB 1902 also remedies serious procedural deficiencies that were highlighted by the first detention extension hearing. This includes a lack of clarity regarding the court's continued jurisdiction if an offender turns 25 while a detention extension petition is being actively litigated, the ability to continue a case for good cause such as critical expert witness availability, and the applicability of California's sensible mutual discovery obligations. While Gonzalez's case was the first, it unfortunately will not be the last now that the most serious 14- and 15-year-old offenders can only be adjudicated in juvenile court. This subset of cases, though small, have an outsized impact on victims, the community, and public safety. Californians deserve an airtight process to litigate such serious crimes where the gravamen is the ongoing danger to the public.

8. Argument in Opposition

The California Public Defenders Association writes:

Our concerns focus on three issues: (1) the bill doubles the maximum commitment period from two to four years; (2) retains an overly broad standard for commitment; and (3) fails to prohibit placement in adult jails or prisons pending trial.

These concerns arise in the context of an unfinished legislative task. When the state realigned responsibility for youth justice to counties through SB 823 in 2020, the Legislature recognized that Welfare and Institutions Code section 876 would require further revision to ensure appropriate treatment capacity, legal protections, and court procedures. The Legislature committed in statute to working with stakeholders to develop those reforms by 2022, but that process never occurred. As a result, Section 876 remains an outdated statute that has not been meaningfully adapted for county use. Our three concerns with the bill as currently written are:

1. Four year maximum detention period prior to review is too long.

Current law limits commitments to two years and requires the government to file a new petition and prove continued necessity for detention prior to extension. AB 1902 would allow confinement for up to four years without any intervening judicial review. Given the significant developmental changes that can occur during young adulthood, regular review is essential to ensure continued confinement remains justified.

2. AB 1902 should prohibit placement in adult jails and prisons.

Earlier versions of AB 1902 allowed courts to place individuals in a state hospital when treatment needs could not be met in a Secure Youth Treatment Facility. Recent amendments have removed that option and appear to permit placement in adult correctional facilities. If this statute is intended to serve a treatment purpose,

it should expressly prohibit placement in adult jails and prisons, which are designed for custody rather than therapeutic care.

3. The commitment standard remains overly broad.

Welfare and Institutions Code (WIC) Section 876 permits continued commitment based on a “physical or mental condition, disorder, or other problem.” The phrases “physical condition” and “other problem” are undefined and risk expanding civil commitment beyond recognized mental health conditions. As AB 1902 increases both the length of detention and severity of confinement, the qualifying standard should be narrowed and clearly defined to avoid subjective determinations of future dangerousness.

Conclusion

AB 1902 would significantly expand the government's authority to confine young people beyond their release dates while weakening the treatment-based framework traditionally used to justify civil commitment. The bill allows up to four years of confinement without meaningful review, preserves an overly broad commitment standard, and fails to prohibit placement in adult correctional facilities. Given the limited use of WIC Section 876 to date, these changes are unwarranted. They are counter to the considerable body of research in youth brain development and fail our youth while limiting appropriate judicial review. The prospect of placing youth suffering from mental illness in adult prisons and jails is an anathema.

-- END --