
THIRD READING

Bill No: AB 1902
Author: Pellerin (D)
Amended: 8/13/26 in Senate
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 6-0, 6/30/26
AYES: Arreguín, Seyarto, Caballero, Cortese, Pérez, Wiener

SENATE APPROPRIATIONS COMMITTEE: 5-0, 8/13/26
AYES: Cervantes, Cabaldon, Grayson, Richardson, Wahab
NO VOTE RECORDED: Seyarto, Dahle

ASSEMBLY FLOOR: 66-0, 5/21/26 - See last page for vote

SUBJECT: Secure youth treatment facilities

SOURCE: Santa Cruz District Attorney's Office

DIGEST: This bill authorizes 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 three 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.

ANALYSIS:

Existing law:

- 1) 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. (Welfare & Institutions (Welf. & Inst.) Code, § 602, subd. (a).)

- 2) 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).)
- 3) 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).)
- 4) 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; and 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).)
- 5) 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).)
- 6) 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).)

- 7) 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).)
- 8) 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:
 - a) 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.
 - b) 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.
 - c) Requires precommitment credits for time served to be applied against the maximum term of confinement. (Welf. & Inst. Code, § 875, subd. (c)(1)(A)-(C).)
- 9) 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 the Division of Juvenile Justice (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.)
- 10) 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).)

- 11) Requires the prosecuting attorney to promptly notify the probation department of a decision not to file a petition. (Welf. & Inst. Code, § 876, subd. (b).)
- 12) 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).)
- 13) 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).)
- 14) 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).)
- 15) 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).)
- 16) 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).)
- 17) 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).)

- 18) 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:

- 1) 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.
- 2) Prohibits the probable cause hearing from being continued, except upon a showing of good cause by the party requesting the continuance.
- 3) 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.
- 4) 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.
- 5) 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 three years. Requires the court to state on the record the basis for the period ordered.

- 6) Requires that the criminal discovery process, as specified, applies to all proceedings.

Background

With the passage of SB 823 (Committee on Budget and Fiscal Review, Chapter 337, Statutes of 2020) the state planned the closure of DJJ and realigned the responsibility for managing all youth under the jurisdiction of the juvenile courts to county probation departments. SB 92 (Committee on Budget and Fiscal Review, 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.

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 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).)

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.

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.

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 three years—one year 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.

FISCAL EFFECT: Appropriation: No Fiscal Com.:Yes Local:Yes

According to the Senate Appropriations Committee:

Unknown costs to the counties to extend SYTF confinement from two years to up to three years upon a court finding. For a cost reference, the average annual cost to incarcerate one person in county jail is approximately \$80,000. With the small number of youths who have SYTF commitments extended under Welfare and Institutions Code 876, extensions could go on indefinitely, so the person could be over age 18, or even over age 25. Regardless, their custody and control remains with the county, either in the SYTF or, for those persons over age 25, who remain under juvenile court jurisdiction, the court could refer them for a civil commitment or transfer custody to adult probation to place the person in an adult institution (but still as a ward of the juvenile court until the commitment ends). Actual incarceration costs to counties will depend on the number of convictions and the length of each sentence. Generally, county incarceration costs are not reimbursable state mandates pursuant to Proposition 30 (2012).

Likely significant court cost pressure for additional hearings in juvenile courts to determine if a person set for discharge is physically dangerous to the public. These hearings are among the costliest hearings held in juvenile courts. Each hearing may last at least a week of court time, with concomitant costs to the District Attorney, appointed defense counsel, and the juvenile probation department. Additionally, there are court costs for expert witnesses that are routinely necessary, including experts in adolescent neuropsychology and intellectual disability experts.

SUPPORT: (Verified 8/13/26)

Santa Cruz County District Attorney's Office (source)
California District Attorneys Association
California Police Chiefs Association
Capitola Police Department
Chief Probation Officers' of California
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: (Verified 8/13/26)

ACLU California Action
Alianza for Opportunity
Alliance for Boys and Men of Color
Bridges of Hope CA
California Coalition for Women Prisoners
California Public Defenders Association
California Youth Defender Center
Californians United for a Responsible Budget
Cancel the Contract Antelope Valley
Care First California
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
In Our Care San Mateo County
Justice2Jobs Coalition
La Defensa
Milpa Collective
Missio Dei Community
National Center for Youth Law
Peace and Justice Law Center
Restore 180
Restoring Hope California
Rubicon Programs
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: 66-0, 5/21/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Calderon, Carrillo, Castillo, Connolly, Davies, DeMaio, Dixon, Ellis, Flora, Fong, Gabriel, Gallagher, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Johnson, Krell, Lee, Lowenthal, Macedo, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO VOTE RECORDED: Arambula, Bonta, Bryan, Caloza, Chen, Elhawary, Garcia, Jackson, Kalra, Lackey, McKinnor, Ramos, Celeste Rodriguez, Sharp-Collins

Prepared by: Stephanie Jordan / PUB. S. /
8/17/26 10:43:00

**** END ****