Date of Hearing: June 23, 2026
Deputy Chief Counsel: Stella Choe

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

SB 1009 (Becker) – As Amended May 14, 2026

As Proposed to be Amended in Committee

SUMMARY: Prohibits a court from ordering a minor to be detained in a juvenile hall unless it makes a finding that a less restrictive alternative is unsuitable and specifies that a court shall, upon request, reconsider whether continued detention in the juvenile hall continues to be necessary. Specifically, **this bill**:

1) Removes the requirement that the court find that it is reasonably necessary to protect another person or property as a reason to detain a minor, and instead requires the court to find that it is a matter of immediate and urgent necessity to detain the minor for protection of another person or property.

2) States that whenever a court orders a minor detained in the juvenile hall, the court shall, upon request, reconsider whether continued detention in the juvenile hall is necessary based on current information and consistent with existing law.

3) Specifies that the above provision shall not be construed to affect a minor's rights under existing law.

4) Prohibits a minor from being removed from the physical custody of the minor's parents or guardian as the result of an order of wardship unless the court finds that a less restrictive, alternative disposition for the ward is unsuitable.

5) Specifies that in making the determination of whether a less restrictive, alternative disposition for the ward is unsuitable, the court shall consider all relevant and material evidence, including, but not limited to, 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.

6) States that when considering an order of removal or continued removal based on the evidence in the above provision, the court shall consider all of the following:

    a) Whether reasonable efforts were made to eliminate the need for removal, or continued removal, of the child from the home; and,

    b) Whether services could be provided to enable the child's parent or legal guardian to obtain assistance that may be needed to effectively provide the care and control necessary for the child to return home in lieu of an order of removal.

7) Requires the court, if the court orders the removal of the minor from the physical custody of the minor's parents or guardian, to state on the record the reasons for its decision, including the reasons supporting the court's finding that a less restrictive, alternative disposition for the ward is unsuitable and specify how it weighed the factors.

8) Requires the court to set forth the reasons in an order entered upon the minutes if requested by either party or in any case in which the proceedings are not being recorded electronically or reported by a court reporter.

9) Makes conforming changes.

10) States Legislative findings and declarations regarding detention of juveniles.

EXISTING LAW:

1) Provides that, any minor who is between 12 and 17 years of age that violates any law of this state or of the United States or any ordinance of any city or county other than an ordinance establishing a curfew based solely on age, is within the jurisdiction of the juvenile court, and may be adjudged to be a ward of the court. (Welf. & Inst. Code, § 602, subd. (a).)

2) Provides that a peace officer may, without a warrant, take into temporary custody a minor when there is reasonable cause for believing that the minor will be adjudged a ward of the court or charged with a criminal action, or that the minor has violated an order of the juvenile court or escaped from any commitment ordered by the juvenile court, or the minor is found in any street or public place suffering from any sickness or injury which requires medical treatment, hospitalization, or other remedial care. (Welf. & Inst. Code, § 625.)

3) Provides that an officer who takes a minor into temporary custody may do any of the following: release the minor; deliver or refer the minor to a public or private agency with which the city or county has an agreement or plan to provide shelter, counseling, or diversion services; prepare a written notice to appear before the probation officer of the county in which the minor was taken into custody at a specified time and place; or take the minor without necessary delay before the probation officer of which the minor was taken into custody. (Welf. & Inst. Code, § 626.)

4) Requires, when an officer takes a minor before a probation officer at a juvenile hall or to any other place of confinement, the officer take immediate steps to notify the minor's parent, guardian, or a responsible relative that such minor is in custody and the place where he is being held. (Welf. & Inst. Code, § 627.)

5) Requires the probation officer to immediately investigate the circumstances of the minor and the facts surrounding his or her being taken into custody and immediately release the minor to the custody of his or her parent, legal guardian, or responsible relative unless it can be demonstrated upon the evidence before the court that continuance in the home is contrary to the minor's welfare and one or more of the following conditions exist:

    a) Continued detention of the minor is a matter of immediate and urgent necessity for the protection of the minor or reasonable necessity for the protection of the person or property of another;

b) The minor is likely to flee the jurisdiction of the court; or,

c) The minor has violated an order of the juvenile court. (Welf. & Inst. Code, § 628, subd. (a)(1).)

6) Requires the probation officer to release a minor to his or her parent, guardian, or responsible relative on home supervision unless one of the above conditions exists. (Welf. & Inst. Code, § 628.1.)

7) States that if electronic monitoring is imposed for a period greater than 30 days, the court shall hold a hearing no less than once every 30 days to ensure that the minor does not remain on electronic monitoring for an unreasonable length of time. In determining whether a length of time is unreasonable, the court shall consider whether there are less restrictive conditions of release that would achieve the rehabilitative purpose of the juvenile court. If less restrictive conditions of release are warranted, the court shall order removal of the electronic monitor or modify the terms of the electronic monitoring order to achieve the less restrictive alternative. (Welf. & Inst. Code, § 628.2.)

8) Requires, except as provided, that a minor taken into custody be brought before a judge or referee of the juvenile court for a hearing to determine whether the minor must be further detained as soon as possible and no later than the next judicial day after a petition has been filed. Provides that such a hearing be referred to as a "detention hearing." (Welf. & Inst. Code, § 632, subd. (a).)

9) Requires, upon the minor's appearance before the court at the detention hearing, the minor and the minor's parent or guardian, if present, to be informed of the reasons why the minor was taken into custody, the nature of the juvenile court proceedings, and the right of the minor to be represented at every stage of the proceedings by counsel. (Welf. & Inst. Code, § 633.)

10) Provides that the court examine the minor, his or her parent, legal guardian, or other person having relevant knowledge, hear relevant evidence the minor, his or her parent, legal guardian, or counsel desires to present, and, unless it appears that the minor has violated an order of the juvenile court or has escaped from the commitment of the juvenile court or that it is a matter of immediate and urgent necessity for the protection of the minor or reasonably necessary for the protection of the person or property of another that he or she be detained or that the minor is likely to flee to avoid the jurisdiction of the court, the court must make its order releasing the minor from custody. (Welf. & Inst. Code, § 635, subd. (a).)

11) Provides that the circumstances and gravity of the alleged offense may be considered, in conjunction with other factors, to determine whether it is a matter of immediate and urgent necessity for the protection of the minor or reasonably necessary for the protection of the person or property of another that the minor be detained. (Welf. & Inst. Code, § 635, subd. (b)(1).)

12) Requires the court to order the release of the minor from custody unless a prima facie showing has been made that the minor will be adjudged a ward of the court or charged with a criminal action. (Welf. & Inst. Code, § 635, subd. (c)(1).)

13) Provides that if it appears upon the hearing that the minor has violated an order of the juvenile court or has escaped from a commitment of the juvenile court, or that it is a matter of immediate and urgent necessity for the protection of the minor or reasonably necessary for the protection of the person or property of another that the minor be detained or that the minor is likely to flee to avoid the jurisdiction of the court, and that continuance in the home is contrary to the minor's welfare, the court may make its order that the minor be detained in the juvenile hall or other suitable place designated by the juvenile court for a period not to exceed 15 judicial days. Requires the court to enter the order together with its findings of fact in support in the records of the court. (Welf. & Inst. Code, § 636, subd. (a).)

14) Requires the probation officer to submit to the court specified documentation if the probation officer is recommending that the minor be detained. (Welf. & Inst. Code, § 636, subd. (c).)

15) Requires the court to determine whether continuance in the home is contrary to the minor's welfare and whether there are available services that would prevent the need for further detention. Requires the court to make that determination on a case-by-case basis and to make reference to the documentation provided by the probation officer or other evidence relied upon in reaching its decision. (Welf. & Inst. Code, § 636, subd. (d).)

16) Requires the court to release the minor to the physical custody of the minor's parent or legal guardian if the minor can be returned to the custody of the minor's parent or legal guardian at the detention hearing through the provision of services to prevent removal. (Welf. & Inst. Code, § 636, subd. (d)(1).)

17) Requires the court to state the facts upon which the detention is based if the minor cannot be returned to the custody of the minor's parent or legal guardian at the detention hearing. (Welf. & Inst. Code, § 636, subd. (d)(2).)

18) States that if the minor or, if the minor is represented by an attorney, the minor's attorney, requests evidence of the prima facie case, a rehearing shall be held within three judicial days to consider evidence of the prima facie case. If the prima facie case is not established, the minor shall be released from detention. (Welf. & Inst. Code, § 637.)

19) Provides that when the court ascertains that the rehearing cannot be held within three judicial days because of the unavailability of a witness, a reasonable continuance may be granted for a period not to exceed five judicial days. (Welf. & Inst. Code, § 637.)

20) States that the court, in all cases in which a minor is adjudged a ward or dependent child of the court, may limit the control to be exercised over the ward or dependent child by any parent or guardian and requires the court, in its order, to clearly and specifically set forth all those limitations. Prohibits a ward or dependent child from being taken from the physical custody of a parent or guardian unless the court finds one of the following facts:

    a) That the parent or guardian is incapable of providing or has failed or neglected to provide proper maintenance, training, and education for the minor;

    b) That the minor has been tried on probation while in custody and has failed to reform; or,

c) That the welfare of the minor requires that custody be taken from the minor's parent or guardian. (Welf. & Inst. Code, § 726, subd. (a).)

21) Provides that whenever the court specifically limits the right of the parent or guardian to make educational or developmental services decisions for the minor, the court shall at the same time appoint a responsible adult to make educational or developmental services decisions for the child until one of the following occurs:

a) The minor reaches 18 years of age, unless the child chooses not to make educational or developmental services decisions for themselves, or is deemed by the court to be incompetent;

b) Another responsible adult is appointed to make educational or developmental services decisions for the minor;

c) The right of the parent or guardian to make educational or developmental services decisions for the minor is fully restored;

d) A successor guardian or conservator is appointed; or,

e) The child is placed into a planned permanent living arrangement as specified. (Welf. & Inst. Code, § 726, subd. (b).)

22) Requires, if the minor is removed from the physical custody of the minor's parent or guardian as the result of an order of wardship, the order to specify that the minor may not be held in physical confinement for a period in excess of the middle term of imprisonment which could be imposed upon an adult convicted of the offense or offenses which brought or continued the minor under the jurisdiction of the juvenile court. (Welf. & Inst. Code, § 726, subd. (d)(1).)

23) Authorizes the court, if a minor or nonminor is adjudged a ward of the court, to make any reasonable orders for the care, supervision, custody, conduct, maintenance, and support of the minor or nonminor, including medical treatment, subject to further order of the court. (Welf. & Inst. Code, § 727, subd. (a).)

24) Authorizes the court, when a minor is adjudged a ward of the court, to order one of several specified types of treatment. Provides that as an additional alternative, the court may commit the minor to a juvenile home, ranch, camp, or forestry camp. Specifies that if there is no county juvenile home, ranch, camp, or forestry camp within the county, the court may commit the minor to the county juvenile hall. (Welf. & Inst. Code, § 727, subd. (a).)

25) Provides that when a minor is adjudged a ward of the court, the court may order any of the types of treatment referred in Welfare and Institutions Code Section 727, and as an alternative, may commit the minor to a juvenile home, ranch, camp, or forestry camp. If there is no county juvenile home, ranch, camp, or forestry camp within the county, the court may commit the minor to the county juvenile hall. (Welf. & Inst. Code, § 730, subd. (a)(1).)

FISCAL EFFECT: Unknown.

COMMENTS:

1) **Sponsors**: California Youth Defender Center; Communities United for Restorative Youth Justice; and Fresh Lifelines for Youth

2) **Author's Statement**: According to the author, "For too long, California's juvenile justice system has relied on locked doors and high walls as our first response to youth behavior, rather than our last resort. SB 1009 is a common-sense reform that updates this outdated model to reflect better what we know today about brain science, public safety, and fiscal responsibility. The data shows that young people with existing behavioral and mental health problems often deteriorate in detention, not improve. It disrupts education, severs family ties, and counterintuitively increases the risk of future legal trouble. SB 1009 ensures we are no longer setting our kids up for a cycle of incarceration before they've even reached adulthood. This bill isn't just about compassion, it's about systemic efficiency. Incarceration is our most expensive and least effective tool for rehabilitation. By prioritizing community-based alternatives such as counseling and supervision, we are investing in solutions that reduce recidivism and save taxpayer dollars. SB 1009 stops treating our children like 'criminals in training' and start treating them like the future of our state. It brings transparency to our courtrooms and accountability to our justice system, ensuring that every child is given a fair chance to succeed within their own community."

3) **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.)

   The creation of the juvenile court, now over 100 years old, was rooted in the idea that adolescents, who are not fully developed or mature, are less culpable than adults. Accordingly, the focus of the juvenile court was rehabilitation, not punishment. (See, e.g., *In re Gault* (1967) 387 U.S. 1, 15-16.) The purpose of the juvenile law is to provide for the protection and safety of the public and each minor under the jurisdiction of the court and to preserve and strengthen family ties when possible. (Welf. & Inst. Code, § 202, subd. (a).) Minors under the jurisdiction of the juvenile court as a consequence of delinquent conduct receive care, treatment, and guidance that is consistent with their best interest, that holds them accountable for their behavior, and that is appropriate for their circumstances. This may include punishment that is consistent with rehabilitative objectives. (Welf. & Inst. Code, § 202, subd. (b).) The juvenile court has a wide range of options available for placing its wards, including probation, placement in a relative's home, foster home, licensed community care facility, or group home, and commitment to "a juvenile home, ranch, camp, or forestry camp" or "the county juvenile hall." (Welf. & Inst. Code, §§ 727, subd. (a); 730, subd. (a)(1).)

This bill provides that when making an order to place the minor in one of the listed treatment options in Welfare and Institutions Code Section 727 and 730, the court shall make a finding that a less restrictive, alternative disposition for the ward is unsuitable. In making this determination, the court shall consider whether reasonable efforts were made to eliminate the need for removal, or continued removal, of the child from the home and whether services could be provided to enable the child's parent or legal guardian to obtain assistance that may be needed to effectively provide the care and control necessary for the child to return home in lieu of an order of removal. The court shall state on the record the reasons for its decision and specify how it weighed the factors.

Supporters of the bill note that probation is responsible for providing a report to help the juvenile court make its disposition decision and such report should include "in addition to other relevant and material evidence, the age of the minor, his social, personal and behavioral history, the circumstances and gravity of the offense committed by the minor, and the minor's 'previously delinquent history.' The social study should also include "an exploration of and recommendation to the wide range of alternative facilities potentially available to rehabilitate the minor." (*In re L.S.* (1990) 220 Cal.App.3d 1100, 1104.) However, in practice, these reports officers rarely identify the specific community-based resources available to the youth, describe what those resources would offer, or explain why those alternatives would be inadequate compared to confinement in juvenile hall. Their disposition recommendations can favor secure placement without demonstrating that less restrictive options were meaningfully considered and found insufficient.

Opponents of the bill argue that the requirements in the bill do not take into account the steps required in detention assessments to identify appropriate placement for youth based on all of the factors which must be taken into consideration when making such determinations. They anticipate that the additional finding required by this bill could inhibit necessary detention decisions for the highest risk and most serious juvenile offenses.

4) **Juvenile Detention Hearings**: When a minor is taken into custody, the minor must be taken before a juvenile court judge or referee for a hearing to determine whether the minor must be further detained. (Welf. & Inst. Code, § 632, subd. (a).) The detention hearing must take place as soon as possible and no later than the next court day after a petition has been filed with the court. (*Ibid*.) However, for a misdemeanor not involving violence, the detention hearing must take place as soon as possible and no later than 48 hours after being taken into custody. (Welf. & Inst. Code, § 632, subd. (b).) If a minor is not brought before a judge or referee within the statutorily required periods, they shall be released from custody. (Welf. & Inst. Code, § 632, subd. (c).)

   At the detention hearing, the minor and the minor's parent or guardian are informed of the reasons why the minor was taken into custody, the nature of the juvenile court proceedings, and the right of the minor and the minor's parents or guardian to be represented at every stage of the proceedings by an attorney. (Welf. & Inst. Code, § 633.) During the detention hearing, the court will question the minor, the minor's parent or legal guardian, or other individuals with relevant knowledge, and hear relevant evidence the minor, the minor's parent or legal guardian, or their attorney presents. (Welf. & Inst. Code, § 635, subd. (a).)

The court is required to order the release of the minor from custody unless the court finds that the prosecutor has made a prima facie case that the minor has committed a crime and that one of the following is true: (1) the minor has violated a juvenile court order; (2) the minor has escaped from the commitment of the juvenile court; (3) that it is a matter of immediate and urgent necessity for the protection of the minor; (4) that it is reasonably necessary for the protection of the person or property of another that the minor be detained; or (5) that the minor is likely to flee to avoid the jurisdiction of the court. (Welf. & Inst. Code, § 635, subds. (a), (c).) The court may consider the circumstances and gravity of the alleged offense, in conjunction with other factors, to determine whether it is a matter of immediate and urgent necessity for the protection of the minor or reasonably necessary for the protection of the person or property of another that the minor be detained. (Welf. & Inst. Code, § 635, subd. (b)(1).)

If the court finds that the minor has violated a juvenile court order, the minor has escaped from the commitment of the juvenile court, that it is a matter of immediate and urgent necessity for the protection of the minor, that it is reasonably necessary for the protection of the person or property of another that the minor be detained, or that the minor is likely to flee to avoid the jurisdiction of the court, and continuance in the home is contrary to the minor's welfare, the court may order the minor detained in juvenile hall or another suitable placement for a period not to exceed 15 judicial days. (Welf. & Inst. Code, § 636, subd. (a).) If the probation officer recommends that the minor be detained, the probation officer must submit documentation to the court that continuance in the home is contrary to the minor's welfare or that reasonable efforts were made to prevent or eliminate the need for removal of the minor from the home as well as documentation of the nature and results of the services provided. (Welf. & Inst. Code, § 636, subd. (c).) Before detaining the minor, the court must determine whether continuance in the home is contrary to the minor's welfare and whether there are available services that would prevent the need for further detention. (Welf. & Inst. Code, § 636, subd. (d).) This determination is made on a case-by-case basis and the court is required to make reference to the documentation provided by the probation officer or other evidence relied upon in reaching its decision. (*Ibid*.) If the court finds that 24-hour supervision is not necessary, the minor must be released on home supervision. (Welf. & Inst. Code, §§ 628.1, 636, subd. (b).)

This bill prohibits a court from ordering a minor detained pre-adjudication in the juvenile hall unless it makes a finding that a less restrictive alternative to detention in the juvenile hall is unsuitable. As discussed above, existing law provides that a court shall release the minor from custody unless it appears that the minor has violated an order of the juvenile court, has escaped from the commitment of the juvenile court, that it is a matter of immediate and urgent necessity for the protection of the minor, or that it is reasonably necessary for the protection the person or property of another that they be detained. The Rules of Court provide guidance on these factors. As for detention for the immediate and urgent necessity of the child, the court must consider whether or not: 1) There are means to ensure the care and protection of the child until the next scheduled court appearance; 2) The child is addicted to or is in imminent danger from the use of a controlled substance or alcohol; and, 3) There exist other compelling circumstances that make detention reasonably necessary. (Cal. Rules of Court, rule 5.760(j).) As for detention reasonably necessary for protection of the person or property of another, the court must consider whether or not: 1) The alleged offense involved physical harm to the person or property of another; 2) The prior history of the child reveals that the child has caused physical harm to the person or property of another or has posed a

substantial threat to the person or property of another; and, 3) There exist other compelling circumstances that make detention reasonably necessary. (Cal. Rules of Court, rule 5.760(k).)

This bill revises the requirement that the court find that it is reasonably necessary for the protection of the person or property of another to detain the minor and instead requires the court to find that it is a matter of immediate and urgent necessity for the protection of the person or property of another. In print, the bill deletes reasonably necessary protection of another's property as one of the factors for the court to consider when determining whether the minor should be detained. The author is planning to amend the bill in committee to add back in protection of property as a factor for the court to consider. The amendments would also clean up reference to the existing "reasonably necessary" that was inadvertently left in the bill.

Additionally, this bill requires, whenever a court orders a minor detained in the juvenile hall, the court, upon request, to reconsider whether continued detention in the juvenile hall is necessary based on current information and consistent with the provisions of existing law in order to prevent unnecessarily prolonged detentions.

5) **Argument in Support**: According to *California Youth Defender Center*, *Communities United for Restorative Youth Justice*, and *Fresh Lifelines for Youth*, the sponsors of this bill: "The decision to detain a young person in juvenile hall prior to adjudication is among the most consequential determinations a juvenile court can make. Research consistently demonstrates that detention disrupts education, destabilizes families, exacerbates mental health conditions, and increases recidivism. Even short periods of confinement can produce lasting harm.

"Despite the gravity of this decision, California's detention statutes permit detention if "it is a matter of immediate and urgent necessity for the protection of the minor or reasonably necessary for the protection of the person or property of another." "Immediate and urgent necessity" is a well-recognized, appropriate standard to govern detention decisions. However, the second clause of this criterion allows youth to be detained under a "reasonably necessary" standard—not an "immediate and urgent necessity" standard—under a wide variety of circumstances, including when a youth poses no threat to themselves or to others, but only poses a purported risk to property.

"This standard fails to provide meaningful protection against unnecessary confinement, as it allows confinement of youth for minor property offenses, such as petty theft or vandalism. Detaining a youth in juvenile hall on what amounts to a no-bail warrant for a property crime is not consistent with evidence-based practices, and treats youth far more harshly than adults accused of similar conduct.

"These gaps create a system that allows youth to be separated from the very relationships, routines, and support that promote their stability and well-being, even when such separation is not necessary for the youth's or community safety.

"SB 1009 strengthens and clarifies existing laws governing pre-adjudication detention in three meaningful ways. First, it replaces the "reasonably necessary" standard with a clearer threshold that already exists in youth detention law: 'immediate and urgent necessity.'

"Second, SB 1009 prevents detention based solely on a risk to property, ensuring that youth are not confined for minor property crimes in circumstances where adults would typically be released on their own recognizance.

"Finally, SB 1009 requires courts to consider less restrictive alternatives to juvenile hall before ordering detention, reinforcing the principles that juvenile courts should favor the least restrictive appropriate environment for youth and utilize detention in the juvenile hall only when necessary.

. . . .

"When a court determines that a youth should remain in juvenile hall following the initial detention hearing, the youth is entitled to a detention rehearing. This rehearing provides an important procedural safeguard: it allows the youth, through their attorney, to confront and cross-examine the individual who prepared the detention report and to challenge the evidence used to establish a prima facie case. Critically, this detention rehearing typically occurs quickly, within three judicial days after the court's initial detention order.

"Because both the initial detention hearing and rehearing occur at the very beginning stages of the case, the juvenile court often has limited information at that time about the youth and the youth's strengths and needs. Following those hearings, it is common that additional information becomes available that is of significant consequence to the question of whether the youth should remain detained pre-adjudication. However, there currently is a lack of clarity as to the scope of a juvenile court's authority to reconsider its previous detention orders and the procedure by which it may do so.

"The detention statutes as written provide no clear process to determine whether continued detention remains justified. Therefore, a young person may stay in custody in "time waived" cases for weeks or months without reassessment—even when the needs of the youth and public safety no longer merit detention.

. . . .

"SB 1009 codifies the commonsense principle that juvenile judges always have authority at any pre-adjudication court hearing to reconsider whether a youth's detention in juvenile hall remains necessary. The court's decision should be based on current information about the youth, the criminal charges, and any other information relevant to the court's detention decision under the existing detention statutes.

. . . .

"Presently, despite the gravity of the disposition decision to commit a youth to a camp, ranch or juvenile hall, courts are not required to make specific findings justifying that commitment. In contrast, the court is required to make specific findings when placing a youth on electronic monitoring, committing a youth to a secure youth treatment facility, or transferring a youth to criminal court. Yet under current law, courts can order confinement without making findings on the record about the necessity of a camp, ranch, or juvenile hall commitment, whether its duration is proportionate, whether less restrictive placements were considered and rejected, and what efforts were made to avoid the need for a custodial commitment.

"Similarly, the court is required to find that custody is the least restrictive option only when committing a youth to a secure youth treatment facility —the most restrictive placement—

but not when ordering a commitment to a ranch, camp, or juvenile hall. This significant statutory gap exists despite the fact that the Legislature has declared its desire to "ensure that dispositions are in the least restrictive appropriate environment."

"To address these inconsistencies, SB 1009 will require courts to consider the efforts that were made to eliminate the need for a custodial commitment, and whether services could be provided to the youth and the youth's family to eliminate the need for post-disposition confinement of the youth. Moreover, the bill requires that judges articulate the court's evaluative process by detailing how it weighed the evidence and by identifying the specific facts which persuaded the court to determine that the specified custodial commitment is required."

6) **Argument in Opposition**: According to *Chief Probation Officers of California*, "Probation, in concert with the courts, counties, and additional stakeholders, have done significant work over the last decade to proactively develop and utilize evidence-based approaches to addressing youth violence and crime, ensuring that system interventions address individual rehabilitative and criminogenic needs, and public safety impacts. This has resulted in an over 70% decline in juvenile detention rates while keeping juvenile crime rates low. It is important to note that juvenile detention rates have decreased significantly over the last decade reflecting this work to ensure that there is a continuum of responses to address juvenile offenses including, where appropriate, non-detention alternatives such as informal probation and diversion, and that detention is used only by the court when deemed necessary. It is equally important to note however that where juveniles are being detained, the offenses they are charged with, and adjudicated for, are statistically the most serious and violent felony offenses.

"In light of these declines in detention rates, and commensurate policy changes around a continuum of system responses, it is unclear what problem this bill seeks to address. It also appears that this bill does not take into account the steps required in detention assessments to identify appropriate placement for youth based on all of the factors which must be taken into consideration when making such determinations. Nor does the bill set adequate and appropriate guardrails to prevent unintended consequences arising from inhibiting necessary detention decisions for the highest risk and most serious juvenile offenses.

"Despite the intent language that this bill seeks to align with the adult system, it should be noted that the state has made a public policy decision that juveniles and adults should be treated differently in numerous aspects when charged with crimes. Accordingly, there are various ways in which the juvenile and adult systems differ and important reasons for that. For example, people in the criminal justice system can be released to their own responsibility as adults whereas youth under 18 return to a parent or guardian or placement outside of the home as determined by the court. This requires various considerations that differ for youth, rather than an adult, including youth cannot just be released to a multitude of less restrictive alternatives, as proposed by the bill, on their own. Appropriately, probation and the court must determine and weigh a variety of factors that not only takes into account the impact of crime on the community but is primarily focused on what is most appropriate for the youth or young adult in question.

"Additionally, this bill does not take into account the type, scope, and timing of information that would be required to be investigated and prepared to ensure comprehensive information

is provided to the court in in order to make a finding that no less restrictive option is suitable. In the absence of identifying an existing problem, the barriers erected in this bill are devoid of reflecting the various considerations within the juvenile justice system, especially in light of the most recent changes made to the juvenile justice system. It is unclear if the intent behind the bill is to narrow the path to detention for any youth or young adult. While CPOC agrees detention should be a last resort, we need to be sure that it is grounded in a way that reflects the unique issues presented by juveniles who commit crime and not arbitrarily close necessary pathways that enable courts to be responsive to community safety impacts for the most serious and violent offenses."

7) **Related Legislation**:

   a) AB 1647 (Bryan) would prohibit the use of the minor's statements made during a transfer hearing or to the minor's probation officer from being used against the minor during subsequent juvenile proceedings or subsequent criminal proceedings, as specified. AB 1647 is pending hearing in Senate Public Safety Committee.

   b) SB 1285 (Durazo) would expressly state that the statute that authorizes juvenile court judges discretion to dismiss a petition in the interests of justice is a general dismissal statute. SB 1285 is pending hearing in this committee.

8) **Prior Legislation**:

   a) SB 448 (Becker), Chapter 608, Statutes of 2023, prohibited the juvenile court from basing the decision to detain a minor in custody solely on the minor's county of residence and requires that a minor be given equal consideration for release on home supervision, which may include electronic monitoring, regardless of whether the minor lives in the county where the offense occurred.

   b) AB 2658 (Bauer-Kahan), Chapter 796, Statutes of 2022, awarded custody credits off a ward's maximum time of confinement for time spent on electronic monitoring, and requires periodic reviews by the court to ensure that electronic monitoring is still appropriate.

REGISTERED SUPPORT / OPPOSITION:

Support

California Youth Defender Center (Sponsor)
Communities United for Restorative Youth Justice (Sponsor)
Fresh Lifelines for Youth (Sponsor)
A New Path (parents for Addiction Treatment & Healing)
A New Way of Life Reentry Project
ACLU California Action
Alianza for Opportunity
Alliance for Boys and Men of Color
Alliance for Children's Rights
Anti Police-terror Project
Anti-recidivism Coalition

Arts for Healing and Justice Network
Attorney-at-law, Michael Whelan
Back to the Start
Brotherhood Crusade
California Alliance for Youth and Community Justice
California Attorneys for Criminal Justice
California Coalition for Women Prisoners
California for Safety and Justice
California Public Defenders Association
California United for a Responsible Budget (CURB)
California Youth Connection
Californians for Safety and Justice
Californians United for a Responsible Budget
Center on Juvenile and Criminal Justice
Children's Advocacy Institute
Chopra Law Firm
Coalition of California State Tribes
Community Interventions
Community Works
Community Works West
Courage California
Disability Rights California
East Bay Community Law Center
Ella Baker Center for Human Rights
Empowering Women Impacted by Incarceration
End Child Poverty California Powered by Grace
Fair Chance Project
Families Inspiring Reentry & Reunification 4 Everyone
Families United to End Life Without the Possibility of Parole (FUEL)
Felony Murder Elimination Project
Freedom 4 Youth
Friends Committee on Legislation of California
Glide Foundation
Haywood Burns Institute
In Our Care San Mateo County
Initiate Justice
Integral Community Solutions Institute
Jesse's Place Organization
Justice Teams Network
Justice2jobs Coalition
Juvenile Justice Advocates of California
Kern County Criminal Justice Coalition
LA County Public Defenders Union, Local 148
LA Defensa
Law Office of Edward Geil
Law Office of Laura R. Sheppard
Law Office of Monika Y. Loya
Legal Aid At Work
Legal Services for Prisoners With Children

Local 148 Los Angeles County Public Defender's Union
Los Angeles County Public Defender's Office
Los Angeles Regional Reentry Partnership (LARRP)
Milpa Collective
National Center for Youth Law
National Compadres Network
Peace and Justice Law Center
Restore 180
Restoring Hope California
Returning Home Foundation
Reuniting Families Contra Costa
Rubicon Programs
San Francisco Public Defender's Office
San Quentin Skunkworks
Santa Cruz Barrios Unidos
Silicon Valley De-bug
Sister Warriors Freedom Coalition
Smart Justice California, a Project of Beyond Impact
Starting Over INC.
Starting Over Strong
Success Stories Program
The Araminta Ross Foundation (TAR)
The California Youth Justice Project
The Change Parallel Project
The Collective for Liberatory Lawyering
The Place4grace
Underground Grit
Universidad Popular
Unlocked Futures
Urban Peace Institute
Urban Peace Movement
Viet Voices
Western Center on Law & Poverty
Youngsters for Change
Youth Alliance
Youth Empowerment
Youth for Innocence
Youth Forward
Youth Leadership Institute

Opposition

American Federation of State, County and Municipal Employees, Afl-cio
Association of Orange County Deputy Sheriffs
California District Attorneys Association
California Judges Association
California Police Chiefs Association
California State Sheriffs' Association
Chief Probation Officers' of California (CPOC)

Los Angeles County Deputy Probation Officers, Afscme Local 685
Los Angeles County District Attorney's Office
Peace Officers Research Association of California (PORAC)
Riverside Sheriffs' Association
Sacramento County Probation Association
San Diego County Probation Officers Association
San Joaquin County Probation Officers Association
State Coalition of Probation Organizations
Supervising Deputy Probation Officers Union, Teamsters Local 986

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