

SENATE THIRD READING
SB 1009 (Becker)
As Amended August 13, 2026
Majority vote

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 is necessary based on new or current information.

Major Provisions

- 1) Requires the court to find that it is a matter of immediate and urgent necessity, instead of reasonably necessary, to detain the minor for protection of the minor.
- 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 new or 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) States that prior to removing a minor from the physical custody of the minor's parent or guardian as a result of an order of wardship, the court shall consider all of the following:
 - a) Whether reasonable efforts were made to prevent or 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 effectively provide the care and control necessary for the child to return home.
- 5) Prohibits a minor from being committed to physical confinement unless the court finds that a less restrictive alternative to physical confinement is unsuitable.
- 6) 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.
- 7) Makes conforming changes.
- 8) States Legislative findings and declarations regarding detention of juveniles.

COMMENTS

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 SB 1009 is a common-sense reform that updates this outdated model to reflect better what we know today about brain science, public safety, and fiscal responsibility.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."

Arguments 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.

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"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.

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"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.

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"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."

Arguments 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 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."

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

- 1) Court cost pressures of approximately \$100,000 to \$260,000 annually (Trial Court Trust Fund (TCTF), General Fund (GF)) to conduct reconsideration hearings and to make and document the required findings. According to the Judicial Council, costs reflect additional hearing time as well as judicial and clerk workload associated with the new requirements the bill places on juvenile courtrooms. The magnitude of new workload depends on how frequently reconsideration is requested and whether the required findings lengthen hearings. Where proceedings are not recorded or reported, the requirement to enter reasons in a written order would create new workload. Although courts are not funded on a workload basis, an increase in workload could create a demand for increased court funding. The state budget provides annual GF backfills to the TCTF to offset revenue reductions, totaling approximately \$117.3 million in 2025-26.
- 2) Potential costs of an unknown amount to the extent the bill results in the release of youth who cannot return to a parent or guardian and who instead enter foster care. Although these are state-mandated costs, they are not reimbursable, but are potentially required to be funded by the state General Fund pursuant to Proposition 30.

VOTES

SENATE FLOOR: 27-9-4

YES: Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Cortese, Durazo, Gonzalez, Grayson, Laird, Limón, McGuire, McNerney, Menjivar, Padilla, Pérez, Reyes, Richardson, Smallwood-Cuevas, Stern, Wahab, Weber Pierson, Wiener

NO: Alvarado-Gil, Choi, Grove, Jones, Niello, Ochoa Bogh, Seyarto, Strickland, Valladares

ABS, ABST OR NV: Dahle, Hurtado, Rubio, Umberg

ASM PUBLIC SAFETY: 5-2-2

YES: Schultz, Mark González, Haney, Harabedian, Sharp-Collins

NO: Alanis, Lackey

ABS, ABST OR NV: Nguyen, Ramos

ASM APPROPRIATIONS: 11-4-0

YES: Wicks, Arambula, Calderon, Caloza, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache

NO: Hoover, Dixon, Ta, Tangipa

UPDATED

VERSION: August 13, 2026

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