

ASSEMBLY BILL NO. 2756

1984 REGULAR SESSION

CHAPTER 756

AUTHOR PEACE

DATE RECEIVED 8-13 1984

LAST DAY TO ACT 8-25 1984

LC	<input checked="" type="checkbox"/>	IR	<input type="checkbox"/>	PUC	<input type="checkbox"/>
BTH	<input type="checkbox"/>	LEGAL	<input type="checkbox"/>	DPA	<input type="checkbox"/>
EQ	<input type="checkbox"/>	OPR	<input type="checkbox"/>		<input type="checkbox"/>
<input checked="" type="checkbox"/> FIN	<input checked="" type="checkbox"/>	RES	<input type="checkbox"/>		<input type="checkbox"/>
F&A	<input checked="" type="checkbox"/>	SCS	<input type="checkbox"/>		<input type="checkbox"/>
<input checked="" type="checkbox"/> H&W	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> YAC	<input checked="" type="checkbox"/>		<input type="checkbox"/>

ACTION OF GOVERNOR 8-24 1984

OWEN K. RUNS
RAY H. WHITAKER
CHIEF DEPUTIES

JERRY L. BARRETT
MARTIN L. DECHAMBERAIN
STANLEY M. LOUGHRAN
EDWARD K. PURCELL
JOHN T. STUBBART

JAMES L. ASHFORD
JOHN CORINE
ROBERT CULLEN DUFF
ROBERT D. GORME
SHERWIN C. MACRENNIS JR.
ANN M. MACRETT
TRACY O. POWELL II
JIMMIE WING
PRINCIPAL DEPUTIES

3021 STATE CAPITOL
SACRAMENTO 95814
(916) 445-3057

8011 STATE BUILDING
107 SOUTH BROADWAY
LOS ANGELES 90012
(213) 620-2550

Legislative Counsel of California

BION M. GREGORY

Sacramento, California
August 14, 1984

Honorable George Deukmejian
Governor of California
Sacramento, CA

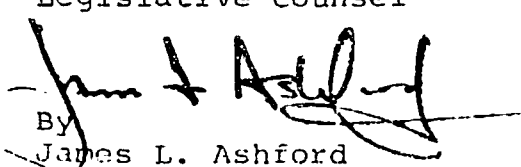
Assembly Bill No. 2756

Dear Governor Deukmejian:

Pursuant to your request we have reviewed the above-numbered bill authored by Assembly Member Peace and, in our opinion, the title and form are sufficient and the bill, if chaptered, will be constitutional. The digest on the printed bill as adopted correctly reflects the views of this office.

Very truly yours,

Bion M. Gregory
Legislative Counsel


By
James L. Ashford
Principal Deputy

JLA:wld

Two copies to Honorable J. Stephen Peace
pursuant to Joint Rule 34.

DANIEL A. ...
MARTIN L. ...
RAY H. ...
OWEN K. ...
JERRY L. ...
MARTIN L. ...
STANLEY M. ...
EDWARD K. ...
JOHN T. ...
JAMES L. ...
JOHN CORINE ...
ROBERT C. ...
ROBERT D. ...
SHERWIN C. ...
ANN M. ...
TRACY O. ...
JIMMIE W. ...
MICHAEL J. ...
C. DOUGLAS ...
VICTOR K. ...
EVE K. ...
ROBERT ...
JAMES A. ...
PETER ...
ROBERT G. ...
JOHN A. ...
VERNE L. ...
EUGENE L. ...
ISA R. ...
MARGHERITA ...
MICHAEL B. ...
MARY ...
ANN ...
RUSSELL ...
WILLIAM ...
MARY ...
JEFF ...
MICHAEL ...
RICHARD ...
DANIEL ...
THOMAS ...
CHRISTOPHER ...
DEPUTIES

SACRAMENTO ADDRESSES

State Capitol
Sacramento
California 95834
Telephone: (916) 445-7777

DISTRICT OFFICES

100 Davids W. Street, Suite B
Orinda Vista, California 94706
Telephone: (415) 426-1677

1101 Airport Road, Suite 10
Inglewood, California 90241
Telephone: (310) 432-3163

256

Assembly California Legislature

Vice Chairman
AGING AND LONG TERM CARE
COMMITTEES
Agriculture
Utilities and Commerce
Water, Parks and Wildlife
Commission of the California

J. STEPHEN PEACE
ASSEMBLYMAN, EIGHTIETH DISTRICT

August 22, 1984

Honorable George Deukmejian
Governor
State of California
State Capitol

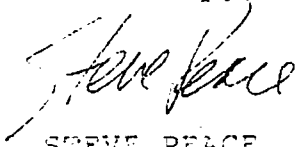
Dear Governor Deukmejian:

This letter respectfully requests your approval of my Assembly Bill 2756 relating to juveniles.

This measure makes it clear that punishment can be an appropriate and effective method to rehabilitate youthful offenders. This bill defines the concept of punishment and includes a statement that family ties should be preserved and strengthened whenever possible.

Your approval of AB 2756 would be very much appreciated.

Sincerely,



STEVE PEACE

SP:arg

ENROLLED BILL REPORT

YOUTH AND ADULT CORRECTIONAL AGENCY
 SECRETARY OF STATE
 AUG 14 1984

AGENCY

Youth and Adult Correctional Agency,

BILL NUMBER

AB 2756 (Am. 4/24)

DEPARTMENT

Youth Authority

AUTHOR
Peace

SUBJECT

This bill redefines the statement of the purpose of the Juvenile Court Law emphasizing punishment, consistent with rehabilitative objectives, as an appropriate response to delinquent conduct.

HISTORY, SPONSORSHIP AND RELATED BILLS

1. The bill is sponsored by the author at the request of the Commission for the revision of the Juvenile Court Law.
2. Support: Calif. Probation, Parole, and Correctional Assn.
Chief Probation Officers of California
3. Opposition: Friends' Committee on Leg.,
Calif. Attorneys for Criminal Justice

VOTES

Assembly CLAPS, 5-1
 Assembly Floor, 68-6
 Senate Judiciary, 6-2


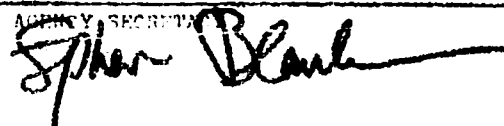
SPECIFIC FINDINGS

Section 202 W&IC states the purpose of the Juvenile Court Law. Although protection of the public is included in current law, additional purposes include serving the spiritual, emotional, mental and physical needs of the minor; preserving family ties; and imposing a sense of responsibility on the minor for his or her actions. Punishment is not a purpose of current juvenile court law.

Current law provides that, subject to ability to pay, parents have a duty to support minor children who have been declared juvenile court wards and removed from parental custody.

AB 2756 would repeal and add §202 W&IC. The bill makes a separate statement of intent for minors who need protective services and those minors who are delinquent. Both categories of wards shall receive care, treatment and guidance consistent with their best interest and the best interest of the public. However, delinquent minors shall be held accountable for their behavior and their treatment shall be consistent with public safety and

CONTINUED

 James Rowland, Director 916/445-2561	RECOMMENDATION SIGN THE BILL.	DATE 8/13/84	AGENCY SECRETARY 	DATE 8/14/84
---	--------------------------------------	-----------------	--	-----------------

protection. In addition, the treatment of delinquent minors may include punishment consistent with rehabilitative objectives. A statement regarding parental duty of support is included in identical language as current law.

AB 2756 also specifies that participants in the juvenile justice system would hold themselves accountable for its results. This language was inserted in the bill at the urging of the Commission for the Revision of the Juvenile Court Law.

The bill is consistent with the Youth Authority's emphasis on offender accountability and public protection. Youthful offenders involved in criminal behavior must realize the seriousness of their acts and be held accountable to their victims and the public. At the same time, delinquent minors must receive intervention services that will increase their knowledge, employment skills, and ability to get along in society.

FISCAL IMPACT - None

ENROLLED BILL REPORT

AGENCY	HEALTH AND WELFARE	BILL NUMBER
DEPARTMENT, BOARD OR COMMISSION	Social Services	AB 2756
		AUTHOR Peace

BILL SUMMARY:

AB 2756 would amend existing juvenile court law to provide that it is the intent of the law to require protection and safety of the public and of each minor of the juvenile court. The bill also makes separate statements of intent with respect to minors in need of protective services and minors under the jurisdiction of the court as a result of delinquent conduct.

The bill is a nonurgency measure and does not contain an appropriation.

LEGISLATIVE HISTORY/SPONSORSHIP:

AB 2756 was introduced by Assemblyman Peace as a technical measure to revise the intent statute of the juvenile court law to more accurately reflect the many changes that have occurred in the law over the past few years.

AB 2756 passed the Assembly by a vote of 68-6 and the Senate by a vote of 25-2.

The bill is supported by the Department of Social Services and the California Youth Authority.

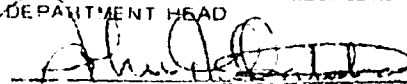
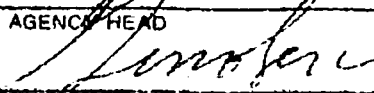
CURRENT LAW:

Under existing law, the stated intent of the juvenile court law is (1) to protect the public from criminal conduct by minors, (2) to impose on the minors a sense of responsibility for his/her own acts, (3) to secure for each minor under the jurisdiction of the juvenile court such care and guidance, preferably in the minor's own home, as will serve the spiritual, emotional, mental, and physical welfare of the minor and the best interests of the state, and (4) to reaffirm that the duty of a parent to support and maintain a minor child continues subject to financial ability of the parent to pay during any period in which the minor may be declared a ward of the court and removed from the custody of the parent.

Current juvenile court law provides the policies and procedures pertaining to abused and neglected children (i.e., dependents of the court supervised by the Department of Social Services, county welfare and probation departments) and runaways and delinquent minors (i.e., wards of the court under the jurisdiction of the California Youth Authority).

RECOMMENDATION

Sign

DEPARTMENT HEAD 	DATE 8/14/84	AGENCY HEAD 	DATE 8/15/84
---	-----------------	---	-----------------

EFFECTS OF THE BILL:

Pros

- AB 2756 revises the language regarding the intent of the juvenile court law to provide that this law is established for the protection and safety of the public and each minor under the jurisdiction of the juvenile court.
- AB 2756 reaffirms the parents' financial liability for support of a minor declared a ward of the court and removed from the custody of the parent.
- AB 2756 specifies that participants in the juvenile justice system are to act in conformity with a comprehensive set of objectives established to improve juvenile justice system performance.
- AB 2756 clarifies that guidance for minors may include punishment consistent with rehabilitative objectives.

Cons

- AB 2756 makes little substantive change to the previously stated intent of the juvenile court law.
- Although the issue of parental liability for dependents and wards of the juvenile court is specifically addressed later in the code, the "intent" language does not specifically address dependents with regard to parental liability.

FISCAL IMPACT:

None.

RECOMMENDATION:

Sign.

DSS is generally supportive of the restatement of the purpose of juvenile court law with regard to dependent minors and wards of the court. The bill clarifies that it is the intent of juvenile court law to require protection and safety of the public and of each minor (i.e., abused/neglected minors or delinquent minors) of the juvenile court.

Honorable Steve Peace
Member of the Assembly
State Capitol, Room 4121
Sacramento, CA 95814

DEPARTMENT
Finance

BILL NUMBER
AB 2756

AUTHOR
Peace

DATE LAST AMENDED
Original

SUBJECT

AB 2756 amends the statement of purpose in the Juvenile Court Law to include the concept of "punishment" of delinquent minors.

SUMMARY OF REASONS FOR SIGNATURE

This bill is consistent with the Youth Authority's emphasis on offender accountability and public protection. The measure has no direct fiscal impact on the department.

FISCAL SUMMARY--STATE LEVEL

Department/Agency or Revenue Type	Code	SO LA CO RV	(Fiscal Impact by Fiscal Year)							
			FC	1983-84	FC	1984-85	FC	1985-86	Code	Fund
Youth Authority	5460	SO		--		--		--	001	General

ANALYSIS

A. Specific Findings

Under existing statute, among the primary purposes of juvenile court law are guidance, custody and discipline of the minor, but not punishment.

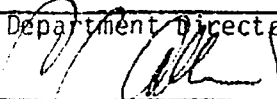
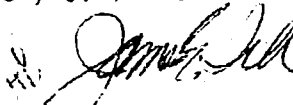
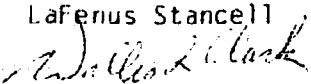
AB 2756 amends Section 202 of the Welfare and Institutions code to affirm that punishment is also an objective of juvenile court law. In this change, other objectives such as protection of society, the preservation of the family unit and the responsibility of parents to support a minor child are maintained essentially as they are in current law.

This bill defines "punishment" as the imposition of sanctions which include the following:

- (1) Payment of a fine by the minor.
- (2) Rendering of compulsory service without compensation performed for the benefit of the community by the minor.
- (3) Limitations on the minor's liberty imposed as a condition of probation or parole.
- (4) Commitment of the minor to a local detention or treatment facility, such as juvenile hall, camp, or ranch.
- (5) Commitment of the minor to the Department of the Youth Authority.

"Punishment," for the purposes of this bill, does not include retribution.

(continued)

RECOMMENDATION Sign the bill.	Department Director 	Date AUG 14 1984		
Principal Analyst (231) J. Tilton 	Date	Program Budget Manager LaFenus Stancell 	Date	Governor's Office use Position noted Position approved Position disapproved by: / date:
ENROLLED BILL REPORT CJ:163204	Form DF-44 (Rev 6/83 500 PK)			

ENROLLED BILL--(continued)

AUTHOR	DATE LAST AMENDED	BILL NUMBER
Peace	Original	AB 2756

ANALYSIS

A. Specific Findings (continued)

The Youth Authority notes that this new emphasis on punishment is consistent both with its own emphasis on offender accountability and with the concept of punishment of youthful offenders as recommended by the Commission on Juvenile Court Law Revision.

B. Fiscal Analysis

The Department of Youth Authority indicates that the provisions of this bill would not have an impact on the Youth Authority's ward population. The costs, if any, to local governments would be minor and possibly offset by revenues from fines.

CJ:163205

GCBF
CU 756
1984

SECRETARY OF STATE, BRUCE McPHERSON
The Original of This Document is in
CALIFORNIA STATE ARCHIVES
1020 "O" STREET
SACRAMENTO, CA 95814