

AB 2756 (Peace)
Last amended: Original
Analyzed: 4/02/84

ASSEMBLY CRIMINAL LAW & PUBLIC SAFETY COMMITTEE -- MINORITY

AB 2756 (Peace) -- PUNISHMENT OF JUVENILES
Lead Republican: Bill Baker

Description: Provides that the purpose of Juvenile Court Law is the protection and safety of the public and each minor under said jurisdiction. Reaffirms the obligation of parents to pay child costs of incarceration, (based on ability to pay). Distinguishes between "status" wards "delinquent offenders." Fiscal effect: None.

Supported by None. Opposed by C.A.C.J., Public Defender, C.Y.A.

Comments: This bill is similar to AB 3724 (Nolan), a measure sponsored by the Joint Commission for the Revision of Juvenile Court Law. The parental liability section merely repeats existing law (so it's not really different from AB 3724). Vote: Majority. Recommendation: Neutral/Support.

Assembly Republican Committee Vote

CL:PS -- 4/04/84

() Ayes:

Noes:

N.V.:

Consultant: Steve Boreman

BILL ANALYSIS

YOUTH AND ADULT CORRECTIONAL AGENCY

DEPARTMENT YOUTHFUL OFFENDER PAROLE BOARD	AUTHOR Peace	BILL NO. AB 2756
SPONSORED BY	RELATED BILLS	DATE LAST AMENDED

Bill Summary

This bill would hold that minors, as a consequence of delinquent conduct, are accountable for their behavior, and may include punishment when punishment is deemed by the juvenile court to be consistent with rehabilitative objectives. Further, public agencies shall consider the safety and protection of the public and the interest of the minor in all deliberations.

Background

There seems to be a flood of bills being introduced that now include the word "punishment" without any definition of such being given.

Specific Findings

Current law provides that when a minor is removed from his or her family, it is the duty of the juvenile court to secure for the minor's custody, care and discipline as nearly as possible equivalent to that which should have been given by his or her parents.

Proposed legislation would presume minors are not held accountable for their behavior and that punishment (?) may be included if consistent with rehabilitative objectives.

Discussion

Minors today are held accountable for their actions when arrested by law enforcement. They can be booked into juvenile hall and not released unless they meet certain criteria. An adult under similar conditions, upon finishing the booking process, is allowed to bail, remaining free of incarceration until found guilty either by jury process or the court. Criteria for minors being detained pending juvenile court action is found in Section 628 of the Welfare and Institutions Code. In essence, the ward shall be detained if:

1. He is in need of proper and effective parental care and control.
2. Is destitute or not provided with the necessities of life.
3. His home is unfit by reason of neglect, cruelty, depravity, etc.
4. It is a matter of urgent necessity for the protection of the minor, or the person or property of another.

POSITION <i>oppose support recommended</i>	AGENCY SIGNATURE		GOVERNOR'S OFFICE USE	
<i>James J. Watt, Chairman</i>	DATE	AGENCY SECRETARY	DATE	Position noted
<i>Prepared by: Virginia L. LaFollette</i>	<i>3/6/4</i>	<i>BY STEPHEN BLAIR</i>	<i>3/6/4</i>	Position approved
<i>Agency Unit: Analytical Office</i>				Position disapproved

5. Likely to flee jurisdiction of court.
6. Violated an order of the juvenile court.
7. Mentally or physically deficient, disorder or abnormality.

With that broad a spectrum, a ward can be held accountable and detained (punishment). What the system (probation and court) does should be the factor of accountability because they can, under present law, exert the necessary amount of accountability they deem needed on any ward.

Punishment without a definition, in its broadest concept, is taking away a person's liberty. See further comments on punishment in Bill Analysis of AB 2757.

Fiscal Impact

None

Recommendation

Opposed. Current law is clearer in intent than proposed bill.

BILL ANALYSIS

YOUTH AND ADULT CORRECTIONAL AGENCY

DEPARTMENT Youth Authority	AUTHOR Peace	BILL NO. AB 2756
SPONSORED BY Author (see background)	RELATED BILLS AB 2757 (1984) AB 3724 (1984)	DATE LAST AMENDED Original

BILL SUMMARY

This bill substantially changes the statement of purpose of the Juvenile Court Law. It adds the concept of "punishment" of delinquent minors.

BACKGROUND

Sponsor: This legislation was requested by a judge in San Diego.

Support and Opposition: The concept of punishment of youthful offenders was recommended by the Juvenile Court Law Revision Commission.

Related Bills: AB 2757 Johnston (1984) adds the concept of punishment to the purpose of a Youth Authority commitment.

AB 3724 Nolan (1984) changes the statement of purpose of the Juvenile Court Law, adding and defining the concept of punishment.

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 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.

ORIGINAL SIGNED ON

CONTINUED

POSITION NEUTRAL, SUGGEST AMENDMENTS		MAR 1987	Governor's Office Use
BY STEPHEN BLANKS			Position noted <input type="checkbox"/>
			Position approved <input type="checkbox"/>
			Position disapproved <input type="checkbox"/>
James Rowland, Director 916 445 2561	DATE 3/2/84	AGENCY SECRETARY John J. [unclear] [unclear]	

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.

Although the Youth Authority supports the addition of the concept of punishment to juvenile court law, this bill is ambiguous in its present form. Punishment could be read to include physical punishment as well as sanctions for behavior such as fines or limitations on the minor's liberty. In addition, the bill eliminates the important purpose of preservation of the family unit.

We suggest amending this bill to clearly define punishment as stated in AB 3724 Nolan (page 4, Section 3) as follows:

Add Section 202.1 to the Welfare and Institutions Code to read:

202.1. (a) As used in this chapter, "punishment" means the imposition of sanctions which include at least one of the following:

- (1) Payment of a fine by a 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 to local detention or treatment facility such as juvenile hall, camps, or ranches.
- (5) Commitment of the minor to the Department of the Youth Authority.

(b) "Punishment," for the purposes of this chapter, shall not include retribution.

FISCAL IMPACT - None to the Youth Authority.

BILL ANALYSIS

HEALTH AND WELFARE AGENCY

DEPARTMENT SOCIAL SERVICES	AUTHOR Peace	BILL NUMBER AB 2756
PREPARED BY Author	RELATED BILLS None	DATE BILL LAST AMENDED Original

BILL SUMMARY

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:

AB 2756 was introduced February 7, 1984 by Assemblyman Peace. The bill seeks to revise the statute reflecting the intent 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 has been referred to the Assembly Criminal Law and Public Safety Committee but has not been set for hearing.

SPECIFIC FINDINGS:Current Law and Procedures.

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).

EFFECTS OF THE BILL:

AB 2756 revises the language regarding the intent of the juvenile court law.

DATE MAY 1984	APPROVED ON MAR 1984	GOVERNOR'S DEPARTMENT INFORMATION
DATE MAY 1984	APPROVED ON MAR 1984	
GONCERA		

EFFECTS OF THE BILL cont.

AB 2756 (Peace)

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. The bill would also reaffirm the parents' financial liability for support of a minor declared a ward of the court and removed from the custody of the parent.

DSS is supportive of the revised language which appears to restate the intent of the juvenile court law with little substantive change. The bill adds to the currently stated intent specific statements concerning children who are adjudicated for protection purposes as distinguished from those adjudicated as a result of delinquent conduct. The parental liability statement is virtually unchanged. However, since parental liability is specifically addressed later in the code, which includes minors adjudicated as wards and dependents of the court, it would seem appropriate to expand the "intent" language to include children adjudicated for protection purposes (i.e., dependents).

FISCAL IMPACT:

None.

RECOMMENDATION:

Support.

DSS is supportive of the restatement of the purpose of juvenile court law with regard to dependent minors and wards of the court. The Department suggests that the word "dependent" be added to the section that reaffirms the parents' financial liability for the support of a minor declared a ward of the court and removed from the custody of the parent.

Advantages of AB 2756 (Original)

- The bill revises the intent language with regard to the juvenile court law to emphasize that the purpose of the law is to provide for protection and safety of the public and each minor of the juvenile court.

Disadvantages of AB 2756 (Original)

- The bill inadvertently omits language regarding the parents' reaffirmation of financial liability for the support of a "dependent" minor who has been removed from the custody of the parent.

Proposed Amendment
AB 2756 (Original)

Amendment #1

On page 3, lines 16-21 of Welfare & Institutions
Code Section 202 should read as follows:

It is also the purpose of this chapter to reaffirm that the duty of a parent to support and maintain a minor child continues, subject to the financial ability of the parent to pay, during any period in which the minor may be declared a ward or dependent of the court and removed from the custody of the parent.

AB 2756

STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814



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April 27, 1984

The Honorable J. Stephen Peace
Member of the Assembly
State Capitol, Room 4121
Sacramento, CA 95814

Dear Assemblyman Peace:

The Department of Social Services (DSS) is pleased to inform you of our support for AB 2756, as amended April 24, 1984.

DSS is supportive of the revised language restating the purpose of the juvenile court law with regard to dependent minors and wards of the court. We believe that the wording of the bill more correctly reflects the intended purpose and many changes that have been made in juvenile court law over recent years.

However, while the Department supports the bill, we would suggest that the word "dependent" be added to Section 202(c) of the bill which reaffirms that a parent's financial liability for the support of his/her child continues even where that child is declared a ward of the court. DSS believes that where a minor is adjudicated a "dependent" of the court and is removed from his/her own home, the minor's parent(s) should clearly remain financially liable for the support of the child, subject to their ability to pay. It would, therefore, seem appropriate to expand the intent language of AB 2756 to clarify that parental financial liability continues for children in need of protection and adjudicated under Welfare and Institutions Code (W&IC) Section 300 as dependents, in addition to those adjudicated under W&IC Sections 601 or 602 as a result of behavioral problems or delinquent conduct.

A copy of our proposed amendment is attached. If you have any questions regarding this amendment or our position on the bill, please do not hesitate to contact me at 445-8956.

Sincerely,

Steven C. Bailey
STEVEN C. BAILEY
Legislation

Attachment

cc: Mr. John Valencia
Assembly Minority Consultant

Proposed Amendment
To AB 2756 (April 24, 1984 version)

Amendment #1

On page 3 lines 5-10 amend Welfare and Institutions Code
202(c) to read as follows:

It is also the purpose of this chapter to reaffirm that
the duty of a parent to support and maintain a minor child
continues, subject to the financial ability of the parent to
pay, during any period in which the minor may be declared
a dependent or a ward of the court and removed from the
custody of the parent.

ANALYSIS REQUIRED

2027/26

1/3/76 4/17/76

UNIVERSITY OF CALIFORNIA

- A 2/24 amendment to the ...
- A 3/10 amendment to the ...
- A 4/3 amendment to the ...
- A 4/24 amendment to the ...
- A 5/10 amendment to the ...
- A 5/17 amendment to the ...
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- A 11/24 amendment to the ...
- A 12/10 amendment to the ...
- A 12/17 amendment to the ...
- A 12/24 amendment to the ...

Support

4/17/76

The April 3 and April 24 amendments (1) specify 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, (2) clarify that guidance for minors may include punishment consistent with rehabilitative objectives, and (3) make other technical changes.

RECOMMENDATION: Continue to Support

ORBITAL ...

PROCESSED
ASSEMBLY

ASSEMBLY CRIMINAL LAW AND
PUBLIC SAFETY COMMITTEE

BYPON D. SHER, CHAIRMAN

STATE CAPITOL, ROOM 2136
(916) 445-3268

BILL NO: AB 2756

FISCAL: NO

URGENCY: NO

HEARING
DATE: 4/4/84

BILL NO: AB 2756 (As Amended April 3, 1984)

AUTHOR: PEACE

SUBJECT: SHOULD THE PURPOSE STATEMENT FOR THE JUVENILE COURT
LAW RECOGNIZE THAT IMPOSITION OF PUNISHMENT IS ONE
ACCEPTABLE METHOD OF ACHIEVING REHABILITATION OF
YOUTHFUL OFFENDERS?

DIGEST:

This bill would repeal the existing purpose statement contained in the Arnold-Kennick Juvenile Court Law and enact a new purpose statement. The new purpose statement would include several provisions similar or identical to provisions contained in existing law, but it would also recognize that punishment may be imposed on a youthful offender when such punishment is consistent with the rehabilitative objective of the Juvenile Court Law.

STAFF COMMENTS:

1. Purpose. California's juvenile justice system currently has as its goals protection of society and rehabilitation of youthful offenders. Punishment is not recognized as a goal of the juvenile justice system. This bill would make clear that punishment can be an appropriate and effective method to rehabilitate youthful offenders. This change has been recommended by a recent Rand Corporation study and by the Commission for the Revision of the Juvenile Court Law. The author also believes that this change reflects what participants in the system already believe to be the case: Youthful offenders are sentenced to the California Youth Authority or to juvenile hall or to a county camp to punish them for their criminal activity. This is done because it is believed that punishment may cause youthful offenders to see the error of their ways and ultimately cause them to reform. This bill seeks to recognize this reality and to put it into law.

2. Juvenile Justice Reform Package. This bill is part of the bipartisan Juvenile Justice Reform Program of 1984.

3. Comparison With Present Law. Under current law, the purposes of the Juvenile Court Law are listed as:

- a. Securing for each minor care that will serve his or her spiritual, emotional, mental and physical welfare and the best interests of the state.
- b. Protecting the public from criminal conduct by minors.
- c. Imposing on the minor a sense of responsibility for his or her own acts.
- d. Preserving and strengthening the minor's family ties when possible, removing the minor from parental custody only when necessary for public protection or the minor's welfare.

This bill includes each of these objectives in a similar or identical form, although somewhat streamlined. In addition, the bill includes a statement that the care and guidance provided to delinquent minors may include punishment "when the punishment is deemed by the juvenile court to be consistent with rehabilitative objectives."

4. Preservation of Family Ties. In response to concerns expressed by the Youth Authority and by the defense bar, the bill was recently amended to incorporate language contained in existing law recognizing that one purpose of the Juvenile Court Law is preservation of family ties. The provision now contained in the bill on this point is identical to existing law, including recognition that when the minor must be removed from the family, he or she should be provided with care as nearly equivalent as possible to that which should have been given by his or her parent. (See In re Aline D. (1975) 14 Cal. 3d 557.)

5. Summary of Opposition. Opponents believe that the concept of punishment is contrary to the fundamental goal of the juvenile justice system, which is rehabilitation of youthful offenders. They also believe that recognizing punishment as an appropriate tool of the juvenile court would cause further erosion of the distinction between adult and juvenile proceedings. They do not believe that punitive sanctions can be constitutionally imposed without extending the rights to bail and jury trial to minors.

6. Comparison With AB 3724 (Nolan). Both AB 2756 and AB 3724 seek to recognize and authorize the use of punishment as a legitimate tool to rehabilitate or resocialize youthful offenders. AB 2756 defines its goal in terms of rehabilitation. AB 3724 uses the terms behavior modification and resocialization.

AB 2756 was drafted in response to a recent Rand Corporation study commissioned by the Legislature. The Rand report recommended recognizing use of punishment in the juvenile justice system. AB 3724 was drafted by the Commission for the Revision of the Juvenile Court Law, which also recommended recognizing use of punishment. AB 2756 was recently amended to adopt the

definition of punishment drafted by the Commission. (See staff comment 7.) That definition has been contained in AB 3724 since its introduction.

Both bills include recognition of these goals for the Juvenile Court Law: Protection of the public, protection of the minor, accountability, providing for the welfare of the minor, and recognition of the importance of the family unit. AB 3724 declares that the ultimate objectives of the Juvenile Court Law are behavior modification and resocialization of minors within the court's jurisdiction.

7. Definition Of Punishment. The bill contains the following definition of punishment:

"As used in this chapter, "punishment" means the imposition of sanctions which include at least one of 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 a juvenile hall, camp or ranch.
- (5) Commitment of the minor to the Department of the Youth Authority.

Punishment, for the purposes of this chapter shall not include retribution."

SOURCE: Assembly Member Peace

SUPPORT: California Youth Authority

OPPOSITION: California Probation, Parole and Correctional Association
Catholic Charities, Diocese of Oakland

BILL ANALYSIS

YOUTH AND ADULT CORRECTIONAL AGENCY

DEPARTMENT	Youth Authority	AUTHOR	Peace	BILL NO.	AB 2756
SPONSORED BY	Author	RELATED BILLS	AB 2757 (1984) AB 3724 (1984)	DATE LAST AMENDED	4/3/84

BILL SUMMARY

This bill substantially changes the statement of purpose of the Juvenile Court Law. It adds the concept of "punishment" of delinquent minors.

SPECIFIC FINDINGS

The amendment of 4/3/84 reinstates the language into Section 202 W&IC which speaks to the preservation of the family unit.

In addition, this amendment clearly defines the term "punishment" as it relates to one of the purposes of the juvenile court law.

POST: CHANGE APPROVED POSITION OF "SUPPORT WITH AMENDMENT" TO "PUNISHMENT"				Developmental Services <input type="checkbox"/> Not Recommended <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	
ORIGINAL SIGNED ON					
J. Powell, Director 916-438-2901		DATE	AGENCY SECRETARY	DATE	
		4/1/84			

ASSEMBLY THIRD READING

AB 2756 (Peace) As Amended: April 24, 1984

ASSEMBLY ACTIONS:

COMMITTEE CRIM. LAW & PUB. S. VOTE 5-1 COMMITTEE _____ VOTE _____Ayes: Baker, LaFollette, Stirling, Ayes:
Margolin, Sher

Nays: Bates Nays:

DIGEST

Current law, known as the Arnold-Kennick Juvenile Court Law, states the purposes of the juvenile court law. These purposes include considerations for the care and guidance of the minor, the preservation of family relationships, the placement of the minor outside the family, and the protection of the public from the consequences of the minor's criminal activity.

This bill repeals these provisions and provides new purposes for the juvenile court law. Specifically, the bill:

- 1) Restates the provisions of current law emphasizing the importance of preserving the minor's family ties and in making provision for removal of the minor from the family.
- 2) Provides that minors under the jurisdiction of the juvenile court who are in need of protective services receive care and treatment consistent with their best interest and the best interest of the public.
- 3) Provides that minors under the jurisdiction of the juvenile court as a result of delinquent conduct shall receive care and treatment consistent with the following considerations:
 - a) The interest of public safety and protection.
 - b) The best interest of the minor which holds him or her accountable for the delinquent behavior.
 - c) The appropriateness of a treatment which may include punishment that is consistent with the rehabilitative objectives of the juvenile court law.

-continued-

- 4) Provides that participants in the juvenile justice system hold themselves accountable for its results and that they act in conformity with a comprehensive set of objectives established to improve system performance in a vigorous and ongoing manner.
- 5) Defines punishment to include:
 - a) A fine.
 - b) Community service.
 - c) Limitations imposed as a condition of probation or parole.
 - d) Commitment to a local detention or treatment facility.
 - e) Commitment to the Department of Youth Authority.
- 6) Provides that "punishment," as used in the juvenile court law, does not include retribution.

FISCAL EFFECT

None to the state.

COMMENTS

- 1) The Assembly Criminal Law and Public Safety Committee analysis explains the purpose of the bill as follows:

California's juvenile justice system currently has as its goals protection of society and rehabilitation of youthful offenders. Punishment is not recognized as a goal of the juvenile justice system. This bill would make clear that punishment can be an appropriate and effective method to rehabilitate youthful offenders. This change has been recommended by a recent Rand Corporation study and by the Commission for the Revision of the Juvenile Court Law.

- 2) This bill is part of the Juvenile Justice Reform Program of 1984.

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SENATE COMMITTEE ON JUDICIARY
Barry Keene, Chairman
1983-84 Regular Session

AB 2756 (Peace,
As Amended April 24
Welfare and Institutions Code
MRR

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PURPOSE OF JUVENILE COURT LAW

HISTORY

Source: Commission for the Revision of the
Juvenile Court Law; Rand Corporation

Prior Legislation: None

Support: Department of the Youth Authority;
CPPCA; California Chief Probation
Officers

Opposition: Friends Committee on Legislation;
CACJ

Assembly Floor Vote: Ayes 68 - Noes 6.

KEY ISSUE

SHOULD THE PURPOSE OF THE JUVENILE COURT LAW BE
CHANGED TO REFLECT THE BELIEF THAT PUNISHMENT,
CONSISTENT WITH REHABILITATION, IS A LEGITIMATE
GOAL OF THE JUVENILE JUSTICE SYSTEM?

PURPOSE

Under existing law the purpose of the juvenile
justice system is to provide minors with care and
guidance and to protect the public.

(More)

This bill would recast the purpose section to emphasize punishment, consistent with rehabilitative objectives, as an appropriate response to delinquent conduct.

The purpose of this bill, which is the part of the Assembly's Juvenile Justice Reform Program of 1984, is to provide an additional emphasis for the juvenile court law.

COMMENT

1. Result of studies

The change proposed by AB 2756 is the result of a recommendation contained in the reports of both the Commission for the Revision of the Juvenile Court Law and the Rand Corporation.

The Commission, which was created by AB 419 (Nolan) of 1981, was composed of juvenile justice practitioners and spent last year studying and revising the juvenile court law.

The Rand Corporation report was undertaken at the behest of the Assembly.

2. Purpose of the juvenile court law

(a) Existing law

Under existing law the purposes of the juvenile justice system are as follows:

- (1) To secure for each minor the care and guidance that will serve her spiritual, emotional, mental, and physical welfare and the best interests of the state;

(More)

- (2) To protect the public from criminal conduct by minors;
- (3) To impose on the minor a sense of responsibility;
- (4) To preserve and strengthen the minor's family ties when possible, removing her from parental custody only when necessary for public protection or the minor's welfare.

(b) AB 2756

AB 2756 would include each of these objectives in a similar form, although in somewhat streamlined syntax.

It would, in addition, specify that the guidance that a delinquent minor would receive could include punishment that was consistent with rehabilitation. Although this punishment could not be retributive, it would include:

- Payment of a fine;
- Rendering of compulsory community service;
- Limiting of the minor's liberty as a condition of probation or parole;
- Commitment of the minor to a local detention or treatment facility or to the Youth Authority.

(More)

3. Accountability of participants

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.

DO NOT PARTICIPANTS DO SO ALREADY? DOES THIS LANGUAGE CLEARLY EXPRESS A PURPOSE?

4. Opposition concerns

Opponents believe that the concept of punishment is contrary to the fundamental goal of the juvenile justice system--the rehabilitation of youthful offenders. They also state that recognizing punishment as an appropriate tool of the juvenile court would cause further erosion of the distinction between adult and juvenile proceedings. In addition, opponents assert that punitive sanctions may not be constitutionally imposed without according minors the rights to bail and jury trial.

ARC
AB 2756
1984

SECRETARY OF STATE, BRUCE McPHERSON
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CALIFORNIA STATE ARCHIVES
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SACRAMENTO, CA 95814