

- 1 2. Provides that minors under the jurisdiction of the juvenile court
2 who are in need of protective services receive care and treatment
3 consistent with their best interest and the best interest of the
4 public.
5
- 6 3. Provides that minors under the jurisdiction of the juvenile court
7 as a result of delinquent conduct shall receive care and treatment
8 consistent with the following considerations:
9
- 10 a. The interest of public safety and protection.
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12 b. The best interest of the minor which holds him or her
13 accountable for the delinquent behavior.
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15 c. The appropriateness of a treatment which may include
16 punishment that is consistent with the rehabilitative
17 objectives of the juvenile court law.
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- 19 4. Provides that participants in the juvenile justice system hold
20 themselves accountable for its results and that they act in
21 conformity with a comprehensive set of objectives established to
22 improve system performance in a vigorous and ongoing manner.
23
- 24 5. Defines punishment to include:
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- 26 a. A fine.
27
28 b. Community service.
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30 c. Limitations imposed as a condition or probation or parole.
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32 d. Commitment to a local detention or treatment facility.
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34 e. Commitment to the Department of Youth Authority.
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- 36 6. Provides that "punishment," as used in the juvenile court law,
37 does not include retribution.
38

39 Purpose of This Bill

40 California's juvenile justice system currently has as its goals
41 protection of society and rehabilitation of youthful offender.
42 Punishment is not recognized as a goal of the juvenile justice system.
43 This bill would make clear that punishment can be an appropriate and
44 effective method to rehabilitate youthful offenders. This change has
45 been recommended by a recent RAND Corporation study and by the
46 Commission for the Revision of the Juvenile Court Law. The author
47 also believes that this change reflects what participants in the
48 system already believe to be the case: Youthful offenders are
49 sentenced to the California Youth Authority or to juvenile hall or to
50 a county camp to punish them for their criminal activity. This is
51 done because it is believed that punishment may cause youthful
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1 offenders to see the error of their ways and ultimately cause them to
2 reform. This bill seeks to recognize this reality and to put it into
3 law. This bill is part of the bipartisan Juvenile Justice Reform
4 Program of 1984.

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6 Similar Legislation

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

13
14 AB 2756 was drafted in response to a recent Rand Corporation study
15 commissioned by the Legislature. The Rand report recommended
16 recognizing use of punishment in the juvenile justice system. AB 3724
17 was drafted by the Commission for the Revision of the Juvenile Court
18 Law, which also recommended recognizing use of punishment. AB 2756
19 was recently amended to adopt the definition of punishment drafted by
20 the Commission. That definition has been contained in AB 3724 since
21 its introduction.

22
23 Both bills include recognition of these goals for the Juvenile Court
24 Law: Protection of the public, protection of the minor,
25 accountability, providing for the welfare of the minor, and
26 recognition of the importance of the family unit. AB 3724 declares
27 that the ultimate objectives of the Juvenile Court Law are behavior
28 modification and resocialization of minors within the court's
29 jurisdiction.

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31 Assembly Noes: Assembly Members Alatorre, Bates, Floyd, Harris,
32 Hughes, Moore

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34 6/14/84:vw:saa
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SECRETARY OF STATE, BRUCE McPHERSON
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See AB 2756
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