

# AB 503 (Stone): End “Endless Probation” for California Youth

## SUMMARY

AB 503 will create statutory guidelines to protect youth on non-custodial wardship probation by tailoring the length of time youth spend on probation to their individual needs, and ensuring that probation conditions are individually tailored, developmentally appropriate, proportional, and not excessive.

This bill protects youth who have been sentenced by a judge to formal probation supervision in the community, meaning a judge has determined that supervising the youth in their community will not impact public safety. These children are on probation, but are not in custody at juvenile hall, camps, ranches, or the division of juvenile justice.

## PROBLEMS

The Legislature has neglected to issue comprehensive guidelines on wardship probation. Thus, under current law, there is no standard process for courts to review youth probation cases or system of accountability to ensure that youth are not languishing on probation for unreasonable periods of time.

According to county probation data, the average time a youth spends on non-custodial wardship probation in California is nearly 2 years (23.4 months).<sup>1</sup>

Additionally, data reveals that the lack of statutory guidance is leading to an issue of “justice by geography”. A child in one county faces an average of 6 months on probation, while a youth in another county average over 2.5 years (28.5 months) for a similar case.

Critically, data also shows that youth of color are far more likely to be placed on probation, and for longer. In 2019, nearly 20,000 young people were placed on wardship probation in California and 87% were youth of color. Black youth are nearly nine times more likely and Latino youth are more than two times more likely to be placed on wardship probation than their white counterparts.

Imposing unnecessarily long periods of supervision on youth compounds trauma, interferes with healthy development, increases recidivism, and wastes resources that could otherwise be directed towards rehabilitative services. Lengthy probation terms also limit the ability of young people to pursue positive activities like sports, arts, leadership development, work opportunities, and advocacy.

Research reveals that keeping a young person on supervision for longer than six months is not likely to result in public safety gains.<sup>2</sup> Guided by this research, Pew Charitable Trusts’ Public Safety Performance Project have recommended shorter periods of probation for youth in several states.<sup>3</sup>

In addition to unreasonably long probation terms, juvenile court orders include anywhere from five to fifty conditions that youth must abide by while on probation. The National Juvenile Defender Center noted that this is “a near impossible number of rules for children to understand, follow or even recall.”<sup>4</sup>

Lengthy periods of probation supervision and burdensome conditions increase the likelihood that youth will be charged with violations, sometimes resulting in incarceration, even for minor offenses. Evidence supports individually tailoring conditions so young people have clear and realistic goals to work towards. Instead, conditions are excessive and often unrelated to the behavior that brought the youth before the court.

## SOLUTION

Adolescent years are critical to development, and evidence shows that most youth who commit crimes grow out of that behavior as their brains develop.<sup>5</sup> Limiting the length of time and conditions of probation improves outcomes for youth and reduces costs without compromising public safety.<sup>6</sup>

By providing statutory guidance, we can ensure that young people get the support they need without being subject to a long list of burdensome conditions for an indeterminate length of time. AB 503 will provide the following protections:

- (1) Limit non-custodial wardship probation to six months, unless the court determines that extending probation is in the best interest of the young person
- (2) Require probation conditions be individually tailored, developmentally appropriate, proportional, and not excessive

AB 503 will allow for extensions beyond the initial six-month period when the court determines, by a preponderance of the evidence, that it is in the youth’s best interest to extend probation. If the court determines that probation should be extended, they must set a review hearing for no later than six months after the hearing to assess progress and next steps. If the court continues to extend probation, they will continue to hold hearings at least every six months to review whether probation should continue to be extended and if probation conditions are appropriate.

## SUPPORT

National Center for Youth Law (sponsor)  
W. Haywood Burns Institute (sponsor)  
Alliance for Boys and Men of Color (sponsor)  
Young Women’s Freedom Center (sponsor)  
Communities United for Restorative Youth Justice (sponsor)

Youth Justice Coalition (sponsor)  
All Saints Foster Care Project  
American Civil Liberties Union - California  
Bill Wilson Center  
California Alliance for Youth and Community Justice  
California Attorneys for Criminal Justice  
California Catholic Conference  
California Coalition for Youth  
California Latinas for Reproductive Justice  
California Public Defenders Association (CPDA)  
California United for a Responsible Budget (CURB)  
California Youth Connection (CYC)  
CASA of Los Angeles  
Center for Employment Opportunities  
Children's Advocacy Institute, UCSD Center for Public Interest Law  
Chispa, Tides Advocacy Project  
Center on Juvenile and Criminal Justice  
CERES Policy Research  
Children Now  
Children's Defense Fund - CA  
Commonwealth Juvenile Justice Program  
Community Agency for Resources Advocacy and Services  
Community Works  
Courage California  
Drug Policy Alliance  
East Bay Community Law Center  
Ella Baker Center  
Empowering Pacific Islander Communities  
Felony Murder Elimination Project  
Fresno Barrios Unidos  
Freedom 4 Youth  
Human Right Watch  
Immigrant Legal Resource Center  
Initiate Justice  
John Burton Advocates for Youth  
Khmer Girls in Action  
Legal Services for Prisoners with Children  
Midtown Family Services  
Motivating Individual Leadership for Public Advancement  
Monarch Services of Santa Cruz County  
National Association of Social Workers, CA  
National Institute for Criminal Justice Reform  
National Juvenile Justice Network  
Pacific Juvenile Defender Center

Public Counsel  
Public Health Institute  
Reuniting Families Contra Costa  
San Diego County  
San Francisco Public Defender  
San Mateo County Participatory Defense  
Santa Clara County Office of the Public Defender  
Showing Up for Racial Justice (SURJ) Bay Area  
Sigma Beta Xi, Youth and Family Services  
Silicon Valley De-Bug  
Underground GRIT  
Urban Peace Institute  
Voices Youth Centers  
Women's Foundation of California  
Youth Alive!  
Youth Alliance  
Youth Law Center

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## OPPOSITION

California Judges Association

Oppose Unless amended  
Chief Probation Officers of California \*unless amended\*  
LA County Probation Officers Union, AFSCME Local 685

The following groups are in opposition to a previous version of the bill – the opposition is not necessarily current:

*Association of Orange County Deputy Sheriff's*  
*Association of Probation Supervisors of LA County*  
*California District Attorneys Association*  
*Fraternal Order of Police, Southern CA Probation, Lodge #702*  
*Kern County Probation Officers Association*  
*N. California Probation Lodge 19*  
*Sacramento County Probation Association*  
*San Diego County Probation Officers Association*  
*San Joaquin County Probation Officers Association*  
*Solano Probation Peace Officers Association*  
*Ventura County Professional Peace Officers Association*  
*State Coalition of Probation Organizations*

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## FOR MORE INFORMATION

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<sup>1</sup> Dafna Gozani, Laura Ridolfi & Anna Wong, Ending Endless Probation, Jan. 2021, <https://youthlaw.org/publication/end-endless-probation/> or <https://burnsinstitute.org/resources/>.

<sup>2</sup> Joint Ad-Hoc Tennessee Blue Ribbon Task Force on Juvenile Justice. (2017, December). Final report. Retrieved from <http://www.capitol.tn.gov/Archives/Joint/reports/docs/Joint%20Ad%20Hoc%20TN%20Blue%20Ribbon%20Task%20Force%20on%20Juvenile%20Justice%20Final%20Report.pdf>

<sup>3</sup> The Pew Charitable Trusts. (2017, June). Kansas' 2016 juvenile justice reform. Retrieved from [www.pewtrusts.org/~media/Assets/2017/06/PSPP\\_Kansas\\_2016\\_Juvenile\\_Justice\\_Reform\\_brief.pdf](http://www.pewtrusts.org/~media/Assets/2017/06/PSPP_Kansas_2016_Juvenile_Justice_Reform_brief.pdf).

<sup>4</sup> National Juvenile Defender Center. (2016, September). *Promoting positive development: The critical need to reform youth probation orders* (Issue brief). Washington, DC: Author. Retrieved from [www.njjn.org/uploads/digital-library/Promoting\\_Positive\\_Development.pdf](http://www.njjn.org/uploads/digital-library/Promoting_Positive_Development.pdf)

<sup>5</sup> Steinberg, L., Cauffman, E., & Monahan, K. C. (2015, March). Psychosocial maturity and desistance from crime in a sample of serious juvenile offenders. *Juvenile Justice Bulletin*. Retrieved from [www.ojjdp.gov/pubs/248391.pdf](http://www.ojjdp.gov/pubs/248391.pdf)

<sup>6</sup> Annie E. Casey Foundation. (2018, May). Transforming Juvenile Justice: A Vision for Getting it Right. Retrieved from <https://www.aecf.org/resources/transforming-juvenile-probation/>.