

Assembly Bill 1376 (Bonta) Ending Endless Probation

ENDING ENDLESS PROBATION

AB 1376 would protect youth who have been sentenced to probation supervision in the community by creating statutory guidelines to ensure proper oversight on the amount of time youth spend on probation and that youth do not unnecessarily languish on probation. The bill would also codify existing case law that requires that the conditions of probation are individually tailored, developmentally appropriate, proportional, and not excessive.

This bill would protect youth who have been sentenced by a judge to formal probation supervision in the community. In these cases, a judge has already determined that supervising the youth in their community does not impact public safety. This bill would not impact youth in locked facilities such as juvenile halls, camps, ranches, or in secure youth treatment facilities (SYTF).

BACKGROUND

The Legislature has long neglected to issue comprehensive guidelines on non-custodial wardship juvenile probation, which is the most common sentence for youth in contact with the justice system. In contrast, the Legislature passed time limitations for adult probation with AB 1950 (2020).

In 2023, over 10,000 young people were placed on wardship probation in California. 86% (or 9,184) were youth of color. Of the 10,647 wardship dispositions, more than half (6,025) were placed under supervision in the community.

California juvenile court probation orders impose anywhere from five to fifty conditions that youth must abide by during their time on probation. An issue brief from the Gault Center noted that this is “a near impossible number of rules for children to understand, follow or even recall.” Out of 58 counties, 18 counties provided data showing that young people were on wardship probation for an average of close to two years in 2019, with youth of color spending significantly longer periods of time on probation than white youth.

PURPOSE

Evidence shows that limiting the length of time on probation and conditions of probation improves outcomes for youth and reduces costs without compromising public safety. Evidence also shows that the adolescent years are critical to

development and that longer probation terms increase youth’s risk of deeper system involvement, poorer long-term life outcomes, and ultimately undermine public safety.

By regular check-ins with the court, we can ensure that young people are getting the appropriate “dosage” of support and programming that is individually tailored to their needs and strengths rather than subjecting them to a long list of burdensome probation conditions for an indeterminate length of time, which limits their potential and wastes precious resources.

AB 1376 PROVIDES THE FOLLOWING PROCEDURES:

- Limit non-custodial wardship probation to six months unless the court determines that extending probation is in the best interest of the youth. There is no limit to the number of times probation can be extended.
- Require probation conditions be individually tailored, developmentally appropriate, proportional, and not excessive.

Courts would consider the best interest of the youth and the public when determining whether to extend probation based on the lowest evidentiary standard: “a preponderance of” the evidence. This is the lowest burden of proof available in the justice system and means that if a judge finds that it is more likely than not that the youth would benefit from continued probation supervision, they can extend probation supervision.

If the court determines that probation must be extended, the judge would 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 no less frequently than every six months to review whether probation should continue to be extended and if probation conditions are appropriate. There is no cap on the number of times probation could be extended, the decision is based on the individual youth’s needs and strengths.

COST SAVINGS

Even considering the highest end estimate of hearing workload costs for the entire year, the estimated net cost saving created by the bill would range from \$138 million to \$239 million after the first 6 months of implementation.

Organizations that Previously Signed on to Support Ending Endless Probation (2021)

National Center for Youth Law (sponsor)
W. Haywood Burns Institute (sponsor)
Alliance for Boys and Men of Color (sponsor)
Communities United for Restorative Youth Justice (sponsor)
Sister Warriors Freedom Coalition(sponsor)
Western Center on Law & Poverty (sponsor)
Alianza for Youth Justice
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
California United for a Responsible Budget
California Youth Connection
CASA of Los Angeles
Center for Employment Opportunities
Center on Juvenile and Criminal Justice
CERES Policy Research
Children Now
Children's Advocacy Institute
Children's Defense Fund – CA
Chispa Tides Advocacy Project
Commonweal Juvenile Justice Program
Community Agency for Resources Advocacy and Services Community Works
County of San Diego
Courage California
Drug Policy Alliance
East Bay Community Law Center
Ella Baker Center
Empowering Pacific Islander Communities
Felony Murder Elimination Project
Freedom 4 Youth
Fresno Barrios Unidos
Human Rights 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 Francisco Public Defender
San Mateo County Participatory Defense
Santa Clara County Office of the Public Defender
Showing Up for Racial Justice Bay Area
Sigma Beta Xi, Inc.
Silicon Valley De-Bug
Underground GRIT
Urban Peace Institute
Voices Youth Centers
Women's Foundation of California
Young Women's Freedom Center
Youth Alive!
Youth Alliance
Youth Law Center
Youth Justice Coalition

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