

AB 1376 (Bonta): Get the **FACTS** on Ending Endless Probation

MYTH

FACT

FALSE: AB 1376 places a “cap” on probation.

AB 1376 places absolutely **no cap** on how long a young person can stay on probation. A youth can remain on probation for 3 months, 3 years, or longer if that's what they need. After 9 months on probation, the court reviews their case to determine if continued supervision is beneficial. After that, the court reviews the case every 6 months.

FALSE: All youth will automatically be off probation in 9 months.

There is nothing automatic about AB 1376. The burden of proof to keep a youth on probation is very low – a judge only needs to find that it is “more likely than not” that continued probation benefits the youth and public safety. If there's any legitimate reason a youth should stay on probation – whether to complete a program, address ongoing needs, or protect the community – they will remain under supervision.

FALSE: The presumption of termination will lead to negative outcomes.

Without a presumption of termination, the burden of proof shifts unfairly from the courts to the child and their family. This continues to harm vulnerable youth who lack resources to navigate the system and advocate for themselves. A simple “check-in,” without the presumption of termination, would maintain the status quo where probation continues by default rather than based on necessity.

FALSE: Youth need a minimum of a year on probation.

The average time on probation is already less than 9 months in many counties. In San Diego County, policy sets reviews for early probation termination at 6 months. And, in 26% of counties the cosponsors received data from (6 of 23) the average time a youth spent on probation was 9 months or fewer.

FALSE: AB 1376 will create an excessive burden on courts.

While court hearings have initial costs, these are more than offset by the reduction in probation caseloads. Each hearing has a high chance of removing a youth from supervision, significantly reducing workloads and allowing probation officers to dedicate more time to youth who truly need supervision.

FALSE: Regular reviews will diminish youth faith in the system.

Youth currently and formerly on probation are the strongest supporters of this bill. Clear deadlines give them goals to work toward, motivating them to complete programming with an end in sight.

AB 1376 (Bonta): Get the **FACTS** on Ending Endless Probation

MYTH

FALSE: AB 1376 will affect youth in Camps, Halls and SYTFs.

FALSE: Youth won't complete programs if they extend beyond 9 months.

FALSE: AB 1376 will lead to more youth in secure facilities.

FALSE: AB 1376 treats petty theft the same as serious violent crimes.

FALSE: AB 1376 ignores public safety and victims' needs.

FACT

AB 1376 only impacts non-custodial wardship probation (youth on probation supervised in the community) and does not apply to youth who are currently incarcerated.

If a youth has not completed a court-ordered rehabilitative program, this bill allows the court to extend probation as many times as necessary. Additionally, youth are able to attend supportive, healing programs in the community even if they are not on probation. This is the ideal scenario, as community-based programs have the advantage of being long-term support systems for youth, while ideally probation is a short-term intervention.

AB 1376 makes community probation more effective, healthier, and safer. There is no evidence supporting the conclusion that it will increase secure placements. Evidence shows that providing regular reviews will help youth complete probation appropriately, improving public safety and preventing recidivism.

AB 1376 requires an individualized approach. The provisions only apply after a judge has already decided a youth can be safely supervised in the community. Youth with serious offenses typically serve time in secure facilities before community supervision.

AB 1376 explicitly requires judges to consider "the safety and protection of the public, the importance of redressing injuries to victims, and the best interests of the minor" when making decisions about extending probation, as it incorporates Section 202 of the Welfare and Institutions Code.

PASS #AB1376BONTA

