



## Assemblymember Mia Bonta, 18<sup>th</sup> Assembly District

### AB 1376 (Bonta) Ending Endless Probation

#### SUMMARY

AB 1376 creates consistent court check-ins for youth who have been sentenced by a judge to formal probation supervision in the community, known as “non-custodial wardship probation.”

The bill will ensure proper oversight on the amount of time youth spend on probation and will prevent youth from unnecessarily languishing on probation, which wastes precious resources and negatively impacts their healthy development. The bill would also codify existing case law that requires that the conditions of probation are individually tailored, developmentally appropriate, proportional, and not excessive.

AB 1376 only applies to cases where a judge has determined that there is not a public safety risk to the youth being supervised by probation in the community. This bill would not affect youth in locked facilities such as juvenile halls, camps, ranches, or secure youth treatment facilities (SYTF).

#### BACKGROUND AND PROBLEM

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 AB 1950 (2020), which established time limitations for adult probation.

In 2023, over 10,000 young people were placed on wardship probation in California. 86% were youth of color. Of the 10,647 wardship dispositions, more than half (6,025) were youth placed on non-custodial wardship probation. On averaging across the state, these youth spend almost two years on probation, with some counties averaging more than three years. In contrast, several counties have better practices, average six-month probation terms or having already instituted six-month regular check-ins with the court. Lengthy probation terms also limit the ability of young people to pursue positive activities like sports, arts, leadership development, work opportunities, and advocacy.

While the National Council of Juvenile and Family Court Judges recommends that probation conditions should be limited to ideally four or fewer conditions, Los Angeles County has up to 56 probation conditions in their standard form, and several other counties have more than 30. The more choices offered to simply check a box and assign a condition, the more likely that the conditions assigned to youth will be excessive and boilerplate. Subjecting a youth

to a long list of burdensome probation conditions—the sheer number of which are nearly impossible for a youth to understand, follow, or even recall—for an indeterminate length of time, limits their potential and wastes precious resources. These conditions can also result in youth being incarcerated for non-law breaking “technical” violations of probation, such as missing an appointment or being late to class.

#### SOLUTION

Evidence shows that limiting the length of time on probation, and requiring individualized 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, and poorer long-term life outcomes, which ultimately undermine public safety. Regular check-ins with the court will ensure that youth get the appropriate “dosage” of support and programming that is individually tailored to their needs and strengths.

#### AB 1376 PROVIDES THE FOLLOWING PROCEDURES FOR YOUTH ON NON-CUSTODIAL WARSHIP PROBATION:

- An initial check-in with the court at nine months (or earlier if set by the court) and every six months thereafter if probation is extended to evaluate youth’s progress and needs.
- Presumes that probation will not be extended at the nine-month hearing unless the court determines by a preponderance of the evidence that extending probation is in the best interest of the youth and community.
- Requires probation conditions be individually tailored, developmentally appropriate, proportional, and not excessive for all youth.

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. There is no limit to the number of times probation can be extended; rather, a judge makes an individualized determination.

A conservative estimate of cost savings for AB 1376 is approximately \$80 million after implementation. Any costs associated with check-in hearings will be more than offset by the reduction in probation caseloads, as each hearing has a chance of removing a youth from the probation caseload. While court hearings come with an initial cost, the cost of keeping youth on probation unnecessarily is much higher, to both the State and impacted families.

## **SUPPORT**

Alliance for Boys and Men of Color **(co-sponsor)**

California Alliance for Youth and Community Justice **(co-sponsor)**

Communities United for Restorative Youth Justice **(co-sponsor)**

Fresh Lifelines for Youth **(co-sponsor)**

National Center for Youth Law **(co-sponsor)**

Sister Warriors Freedom Coalition **(co-sponsor)**

W. Haywood Burns Institute **(co-sponsor)**

Western Center on Law & Poverty **(co-sponsor)**

ACLU California Action

Alianza For Opportunity

All Of Us Or None (HQ)

Alum Rock Counseling Center

Anti Recidivism Coalition

Arts For Healing and Justice Network

Black Parallel School Board

Brown Issues

Building Healthy Communities Monterey County

California Alliance Of Child and Family Services

California Attorneys for Criminal Justice

California Public Defenders Association (CPDA)

California United for a Responsible Budget (CURB)

California Youth Defender Center

Californians For Safety and Justice (CSJ)

Californians United for a Responsible Budget

Cancel The Contract

Center On Juvenile and Criminal Justice

Ceres Policy Research

Children Now

Children's Defense Fund-California

Communities United for Restorative Youth Justice (CURYJ)

Community Interventions

Conxion To Community

Debt Free Justice California

Disability Rights California

Drug Policy Alliance

Ella Baker Center for Human Rights

End Child Poverty California Powered by Grace

Freedom 4 Youth

Grace Institute - End Child Poverty in Ca

Hoops4Justice

Human Rights Watch

Immigrant Legal Resource Center

Initiate Justice

Initiate Justice Action

Integral Community Solutions Institute

Justice Policy Institute

Justice2jobs Coalition

La Defensa

Legal Services for Prisoners with Children

Local 148 LA County Public Defenders Union

Messaging For Success

Milpa Collective

NASW California

National Compadres Network

Peace And Justice Law Center

Rubicon Programs

Ryse Youth Center

San Francisco Public Defender's Office

Santa Cruz Barrios Unidos

Sigma Beta Xi, Inc. (SBX Youth and Family Services)

Silicon Valley De-Bug

Smart Justice California, A Project of Tides Advocacy

Starting Over Inc.

Starting Over Strong

The Collective for Liberatory Lawyering

Urban Peace Institute

Urban Peace Movement

Youth Alliance

Youth Forward

Youth Justice Coalition

Youth Law Center

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**AB 1376  
Additional  
Resources**

