SB-92 Juvenile Justice. (2021-2022)

Date Published: 04/08/2021 11:53 AM

AMENDED IN ASSEMBLY APRIL 08, 2021

AMENDED IN ASSEMBLY FEBRUARY 17, 2021

CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

SENATE BILL NO. 92

Introduced by ~~Senator Skinner~~ *Committee on Budget and Fiscal Review*

December 16, 2020

An act to amend ~~Sections 789.4, 1785.20.4, 1788.65, 1788.66, and 1942.9 of, and to amend and renumber Section 1179.04.5 of, the Civil Code, to amend Sections 871.10, 1179.03, and 1179.05 of the Code of Civil Procedure, to amend Sections 50897.1 and 50897.3 of the Health and Safety Code, to amend Section 4003 of the Unemployment Insurance Code, and to amend Section 11157 of the Welfare and Institutions Code, relating to COVID-19 relief, and making an appropriation therefor, to take effect immediately, bill related to the budget.~~ *Section 3056 of the Penal Code, and to amend Sections 208, 208.5, 607, 726, 733.1, 736.5, 1731.5, 1731.6, 1752.1, 1752.15, 1767.35, 1991, and 2250 of, to amend and repeal Sections 704, 707.2, and 1731.7 of, to add Sections 731 and 779.5 to, and to add Article 23.5 (commencing with Section 875) to Chapter 2 of Part 1 of Division 2 of, the Welfare and Institutions Code, relating to juvenile justice, and making an appropriation therefor, to take effect immediately, bill related to the budget.*

LEGISLATIVE COUNSEL'S DIGEST

SB 92, as amended, Committee on Budget and Fiscal Review. ~~COVID-19 relief.~~ *Juvenile Justice.*

Existing law establishes the Division of Juvenile Justice within the Department of Corrections and Rehabilitation to operate facilities to house specified juvenile offenders. Existing law, commencing July 1, 2021, prohibits further commitment of wards to the Division of Juvenile Justice unless the ward is otherwise eligible to be committed to the division and a motion was filed to transfer the ward from the juvenile court to a court of criminal jurisdiction. Existing law requires that all wards committed to the division prior to July 1, 2021, remain within the custody of the division until the ward is discharged, released, or transferred.

This bill would require a court to consider, as an alternative to commitment to the Division of Juvenile Justice, placement in local programs established as a result of the realignment of wards from the Division of Juvenile Justice to county-based custody. This bill would require the Division of Juvenile Justice to close on June 30,

2023, and would require the Director of the Division of Juvenile Justice, by January 1, 2022, to develop a plan for the transfer of jurisdiction of youth remaining at the Division of Juvenile Justice who are unable to discharge or otherwise move pursuant to law prior to the division's final closure on June 30, 2023. The bill would make various other technical and conforming changes to implement the realignment of wards from the Division of Juvenile Justice to county-based custody.

This bill would, commencing July 1, 2021, allow counties to establish secure youth treatment facilities for wards who are 14 years of age or older who have been adjudicated and found to be a ward of the court based on an offense that would have resulted in a commitment to the Division of Juvenile Justice, as provided. The bill would require the court to set a baseline term of confinement for the ward that is based on the most serious recent offense for which the ward has been adjudicated, as specified. The bill would additionally require the court to set a maximum term of confinement for the ward in a secure youth treatment facility and require the court, within 30 days of making the order of commitment, to receive, review, and approve an individual rehabilitation plan for the ward from the probation department and any other entity that is designated by the court for development of the plan. The bill would require the court to hold a progress review hearing for the ward not less frequently than once every 6 months during the term of confinement, as specified. The bill would authorize the court, at the conclusion of a progress review hearing, or at a separately scheduled hearing, to order a ward to be transferred from a secure youth treatment facility to a less restrictive program. The bill would, by July 1, 2023, require the Judicial Council to develop and adopt a matrix of offense-based classifications to be applied by the juvenile courts in all counties, as specified. The bill would prohibit a court from committing a juvenile to any juvenile facility for a period that exceeds the middle term of imprisonment that could be imposed upon an adult convicted of the same offense or offenses.

This bill would require the probation department to request the prosecuting attorney to petition the committing court for an order directing that the person remain subject to the control of the department at the time of discharge if the person confined is determined to be physically dangerous to the public because of the person's mental or physical condition, disorder, or other problem that causes the person to have serious difficulty controlling their dangerous behavior. The bill would establish the process for the petition, probable cause hearing, trial, continued detention, and appeal pursuant to this provision. The bill would require the Governor and the Legislature to work with stakeholders to develop language by July 1, 2021, that would replace these provisions with a commitment process that ensures the treatment, capacity, legal protections, and court procedures are appropriate, as specified.

Existing law establishes a Juvenile Justice Realignment Block Grant program to provide county-based custody, care, and supervision of youth who are realigned from the Division of Juvenile Justice or who would have otherwise been eligible for commitment to the division. Existing law requires the Department of Finance to allocate funds under this program by September 1 each year, beginning September 1, 2021, and provide a schedule of allocations to the Controller. Existing law requires the Controller to allocate the funds in monthly installments pursuant to a schedule that is the same as the schedule for allocations from the Youthful Offender Block Grant Special Account.

This bill would instead require the Department of Finance to allocate funds under this program by July 1 each year, beginning July 1, 2021, and would require the Controller to allocate the funds, consistent with the schedule provided by the Department of Finance, no later than August 1 of each year.

Existing law establishes the Adult Reentry Grant that is awarded by the Board of State and Community Corrections to support people formerly incarcerated in the state prison.

This bill would appropriate $50,000 from the General Fund in 2021–22 fiscal year to the Adult Reentry Grant to support rental assistance programs, as specified.

This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

~~(1)Existing law, the COVID-19 Tenant Relief Act, until July 1, 2025, establishes procedural requirements and limitations on evictions for nonpayment of rent due to COVID-19 rental debt, as defined. Existing law, among other things, prohibits a tenant that delivers a declaration, under penalty of perjury, of COVID-19-related financial distress from being deemed in default with regard to the COVID-19 rental debt, as specified.~~

~~Existing law makes an ordinance, resolution, regulation, or administrative action adopted by a city, county, or city and county in response to the COVID-19 pandemic to protect tenants from eviction subject to certain restrictions, including that the specified period of time during which a tenant is permitted to repay COVID-19~~

rental debt may not extend beyond the period that was in effect on August 19, 2020, and a provision may not permit a tenant a period of time that extends beyond August 31, 2021, to repay COVID-19 rental debt.

This bill would instead, among other things, prohibit an ordinance, resolution, regulation, or administrative action adopted by a city, county, or city and county from permitting a tenant a period of time that extends beyond August 31, 2022, to repay COVID-19 rental debt.

Existing law requires a plaintiff, in an action seeking recovery of COVID-19 rental debt, to attach to the complaint documentation showing that the plaintiff has made a good faith effort to investigate whether governmental rental assistance is available to the tenant, seek governmental rental assistance for the tenant, or cooperate with the tenant's efforts to obtain rental assistance from any governmental entity or other third party, as specified. Existing law requires an action subject to that provision that was pending as of January 29, 2021, to be stayed until July 1, 2021.

This bill would instead, among other things, require those actions to be stayed until August 1, 2021.

(2)Existing law provides for the payment of unemployment compensation benefits to eligible persons who are unemployed through no fault of their own through a federal-state unemployment insurance program administered by the Employment Development Department. Under existing law, unemployment compensation benefits are paid from the Unemployment Fund, which is continuously appropriated for this purpose.

Existing law provides for the payment of temporary federal-state emergency unemployment compensation benefits authorized under specified federal law to eligible individuals in this state for weeks of unemployment beginning on or after February 1, 2009, and continuing until the week ending 4 weeks prior to the last week for which 100% federal sharing is authorized under the federal American Recovery and Reinvestment Act of 2009, except as provided, if specified economic indicators trigger the payment of those benefits. Existing law also provides for the payment of temporary federal-state emergency unemployment compensation benefits to eligible individuals in this state for weeks of unemployment beginning on or after March 18, 2020, and continuing until the week ending 4 weeks prior to the last week for which 100% federal sharing is authorized by the federal Families First Coronavirus Response Act (FFCRA) or for weeks of unemployment ending 4 weeks prior to the last week for which Congress, pursuant to any future amendment of the Federal-State Extended Unemployment Compensation Act of 1970, has authorized 100% federal sharing, except as provided, if specified economic indicators trigger the payment of those benefits.

This bill would provide that with respect to weeks of unemployment beginning on or after March 18, 2020, and continuing until the week ending 4 weeks prior to the last week for which 100% federal sharing is authorized by the FFCRA, this period shall be interpreted to retroactively include any subsequent extension of the last week for which 100% federal sharing is authorized under the FFCRA, and shall take effect as if the amendment extending full federal funding was enacted as part of the FFCRA.

This bill would provide that, with respect to whether the state is in an extended benefit period beginning on November 1, 2020, through December 31, 2021, as permitted by specified federal law, the requirement that no extended benefit period may begin prior to the 14th week following the end of a prior extended benefit period which was in effect shall not apply. The bill would also state that, when authorized by federal law to temporarily waive the "off" period, the requirement that no extended benefit period may begin prior to the 14th week following the end of a prior extended benefit period shall not apply.

Because the bill would provide for the payment of additional amounts from the Unemployment Fund, a continuously appropriated special fund, it would make an appropriation.

(3)Existing federal law provides for the Supplemental Nutrition Assistance Program (SNAP), known in California as CalFresh program, under which supplemental nutrition assistance benefits allocated to the state by the federal government are distributed to eligible individuals by each county. Existing federal law, the Consolidated Appropriations Act of 2021, prohibits federal pandemic unemployment compensation payment, as described, from being regarded as a resource, as specified, for the purpose of determining eligibility for prescribed programs, including SNAP.

Existing federal law provides for allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) block grant program to eligible states. Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program, under which, through a combination of state and county funds and federal funds received through the TANF program, each county provides cash assistance and other benefits to qualified low-income families. Existing law exempts certain types of payments, including specified amounts of

~~disability-based unearned and earned income, received by recipients of aid under the CalWORKs program from consideration as income for purposes of determining eligibility and aid amount.~~

~~This bill would additionally exempt any federal pandemic unemployment compensation from consideration as income and resources for purposes of determining initial and continued eligibility and grant amount for the CalWORKs program, and would require this exemption to remain in effect so long as that compensation is exempt as income for purposes of establishing eligibility for the CalFresh program pursuant to the federal Consolidated Appropriations Act of 2021 or other law. By expanding the scope of eligibility for the CalWORKs program, and thereby increasing the duties of counties administering that program, the bill would impose a state-mandated local program.~~

~~(4)The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

~~(5)Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program.~~

~~This bill would provide that the continuous appropriation would not be made for purposes of implementing the bill.~~

~~(6)This bill would appropriate $5,000,000 from the General Fund to the Franchise Tax Board to be allocated to existing California Earned Income Tax Credit for outreach contracts to provide increased awareness of the Golden State Stimulus, as provided.~~

~~(7)This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.~~

Vote: majority Appropriation: yes Fiscal Committee: yes Local Program: ~~yes~~*no*

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. *Section 3056 of the Penal Code is amended to read:*

3056. (a) Prisoners on parole shall remain under the supervision of the department but shall not be returned to prison except as provided in subdivision (b) or as provided by subdivision (c) of Section 3000.09. A parolee awaiting a parole revocation hearing may be housed in a county jail while awaiting revocation proceedings. If a parolee is housed in a county jail, ~~he or she~~ *they* shall be housed in the county in which ~~he or she was~~ *they were* arrested or the county in which a petition to revoke parole has been filed or, if there is no county jail in that county, in the housing facility with which that county has contracted to house jail inmates. Additionally, except as provided by subdivision (c) of Section 3000.09, upon revocation of parole, a parolee may be housed in a county jail for a maximum of 180 days per revocation. When housed in county facilities, parolees shall be under the sole legal custody and jurisdiction of local county facilities. A parolee shall remain under the sole legal custody and jurisdiction of the local county or local correctional administrator, even if placed in an alternative custody program in lieu of incarceration, including, but not limited to, work furlough and electronic home detention. When a parolee is under the legal custody and jurisdiction of a county facility awaiting parole revocation proceedings or upon revocation, ~~he or she~~ *the parolee* shall not be under the parole supervision or jurisdiction of the department. Unless otherwise serving a period of flash incarceration, whenever a parolee who is subject to this section has been arrested, with or without a warrant or the filing of a petition for revocation with the court, the court may order the release of the parolee from custody under any terms and conditions the court deems appropriate. When released from the county facility or county alternative custody program following a period of custody for revocation of parole or because no violation of parole is found, the parolee shall be returned to the parole supervision of the department for the duration of parole.

(b) Inmates paroled pursuant to Section 3000.1 may be returned to prison following the revocation of parole by the Board of Parole Hearings until July 1, 2013, and thereafter by a court pursuant to Section 3000.08.

(c) ~~A~~ *Until July 1, 2021, a* parolee who is subject to subdivision (a), but who is under 18 years of age, may be housed in a facility of the Division of Juvenile ~~Facilities,~~ *Justice,* Department of Corrections and Rehabilitation.

SEC. 2. *Section 208 of the Welfare and Institutions Code is amended to read:*

208. (a) When any person under 18 years of age is detained in or sentenced to ~~any institution in which adults are confined,~~ *an adult facility, including a jail or other facility established for the purpose of confinement of adults,* it shall be unlawful to permit ~~such~~ *that* person to come or remain in contact with ~~such adults.~~ *adults confined there.*

(b) ~~No~~ *A* person who is a ward or dependent child of the juvenile court who is detained in or committed to any state hospital or other state facility shall *not* be permitted to come or remain in contact with any adult person who has been committed to any state hospital or other state facility as a mentally disordered sex offender under the provisions of Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of Division 6, or with any adult person who has been charged in an accusatory pleading with the commission of any sex offense for which registration of the convicted offender is required under Section 290 of the Penal Code and who has been committed to any state hospital or other state facility pursuant to Section 1026 or 1370 of the Penal Code.

(c) As used in this section, "contact" does not include participation in supervised group therapy or other supervised treatment activities, participation in work furlough programs, or participation in hospital recreational activities which are directly supervised by employees of the hospital, so long as living arrangements are strictly segregated and all precautions are taken to prevent unauthorized associations.

(d) This section shall be operative January 1, 1998.

SEC. 3. *Section 208.5 of the Welfare and Institutions Code is amended to read:*

208.5. (a) Notwithstanding any other law, any person whose case originated in juvenile court shall remain, if the person is held in secure detention, in a county juvenile facility until the person attains 25 years of age, except as provided in subdivisions (b) and (c) of this section and ~~paragraph (4) of subdivision (a) of~~ Section 731. *A person whose case originated in juvenile court but who was sentenced in criminal court shall not serve their sentence in a juvenile facility, but if not otherwise excluded, may remain in the juvenile facility until transferred to serve their sentence in an adult facility.* This section is not intended to authorize confinement in a juvenile facility where authority would not otherwise exist.

(b) The probation department may petition the court to house a person who is 19 years of age or older in an adult facility, including a jail or other facility established for the purpose of confinement of adults.

(c) Upon receipt of a petition to house a person who is 19 years of age or older in an adult facility, the court shall hold a hearing. There shall be a rebuttable presumption that the person will be retained in a juvenile facility. At the hearing, the court shall determine whether the person will be moved to an adult facility, and make written findings of its decision based on the totality of the following criteria:

(1) The impact of being held in an adult facility on the physical and mental health and well-being of the person.

(2) The benefits of continued programming at the juvenile facility and whether required education and other services called for in any juvenile court disposition or otherwise required by law or court order can be provided in the adult facility.

(3) The capacity of the adult facility to separate younger and older people as needed and to provide them with safe and age-appropriate housing and program opportunities.

(4) The capacity of the juvenile facility to provide needed separation of older from younger people given the youth currently housed in the facility.

(5) Evidence demonstrating that the juvenile facility is unable to currently manage the person's needs without posing a significant danger to staff or other youth in the facility.

(d) If a person who is ~~18~~ *19* to 24 years of age, inclusive, is removed from a juvenile facility pursuant to this section, upon the motion of any party and a showing of changed circumstances, the court shall consider the criteria in subdivision (c) and determine whether the person should be housed at a juvenile facility.

(e) A person who is 19 years of age or older and who has been committed to a county juvenile facility or a facility of a contracted entity shall remain in the facility and shall not be subject to a petition for transfer to an adult facility. This section is not intended to authorize or extend confinement in a juvenile facility where authority would not otherwise exist.

SEC. 4. *Section 607 of the Welfare and Institutions Code, as added by Section 24 of Chapter 337 of the Statutes of 2020, is amended to read:*

607. (a) The court may retain jurisdiction over a person who is found to be a ward or dependent child of the juvenile court until the ward or dependent child attains 21 years of age, except as provided in subdivisions (b), (c), ~~and (d).~~ *(d), and (e).*

(b) The court may retain jurisdiction over a person who is found to be a person described in Section 602 by reason of the commission of an offense listed in subdivision (b) of Section 707, until that person attains 23 years of age, subject to the provisions of subdivision (c).

(c) The court may retain jurisdiction over a person who is found to be a person described in Section 602 by reason of the commission of an offense listed in subdivision (b) of Section 707 until that person attains 25 years of age if the person, at the time of adjudication of a crime or crimes, would, in criminal court, have faced an aggregate sentence of seven years or more.

(d) The court shall not discharge a person from its jurisdiction who has been committed to the Department of Corrections and Rehabilitation, Division of Juvenile Justice while the person remains under the jurisdiction of the Department of Corrections and Rehabilitation, Division of Juvenile Justice, including periods of extended control ordered pursuant to Section 1800.

(e) The court may retain jurisdiction over a person described in Section 602 by reason of the commission of an offense listed in subdivision (b) of Section 707, who has been confined in a state hospital or other appropriate public or private mental health facility pursuant to Section 702.3 until that person attains 25 years of age, unless the court that committed the person finds, after notice and hearing, that the person's sanity has been restored.

(f) The court may retain jurisdiction over a person while that person is the subject of a warrant for arrest issued pursuant to Section 663.

(g) Notwithstanding subdivisions ~~(b) and (d),~~ *(b), (c), and (e),* a person who is committed by the juvenile court to the Department of Corrections and Rehabilitation, Division of Juvenile Justice on or after July 1, 2012, but before July 1, 2018, and who is found to be a person described in Section 602 by reason of the commission of an offense listed in subdivision (b) of Section 707 shall be discharged upon the expiration of a two-year period of control, or when the person attains 23 years of age, whichever occurs later, unless an order for further detention has been made by the committing court pursuant to Article 6 (commencing with Section 1800) of Chapter 1 of Division 2.5. This subdivision does not apply to a person who is committed to the Department of Corrections and Rehabilitation, Division of Juvenile Justice, or to a person who is confined in a state hospital or other appropriate public or private mental health facility, by a court prior to July 1, 2012, pursuant to subdivisions ~~(b) and (d).~~ *(b), (c), and (e).*

(h) (1) Notwithstanding subdivision ~~(f),~~ *(g),* a person who is committed by the juvenile court to the Department of Corrections and Rehabilitation, Division of Juvenile ~~Facilities,~~ *Justice,* on or after July 1, 2018, and who is found to be a person described in Section 602 by reason of the commission of an offense listed in subdivision (c) of Section 290.008 of the Penal Code or subdivision (b) of Section 707 of this code, shall be discharged upon the expiration of a two-year period of control, or when the person attains 23 years of age, whichever occurs later, unless an order for further detention has been made by the committing court pursuant to Article 6 (commencing with Section 1800) of Chapter 1 of Division 2.5.

(2) A person who, at the time of adjudication of a crime or crimes, would, in criminal court, have faced an aggregate sentence of seven years or more, shall be discharged upon the expiration of a two-year period of control, or when the person attains 25 years of age, whichever occurs later, unless an order for further detention has been made by the committing court pursuant to Article 6 (commencing with Section 1800) of Chapter 1 of Division 2.5.

(3) This subdivision does not apply to a person who is committed to the Department of Corrections and Rehabilitation, Division of Juvenile ~~Facilities,~~ *Justice,* or to a person who is confined in a state hospital or other appropriate public or private mental health facility, by a court prior to July 1, 2018, as described in subdivision ~~(f).~~ *(g).*

(i) The amendments to this section made by Chapter 342 of the Statutes of 2012 apply retroactively.

(j) This section does not change the period of juvenile court jurisdiction for a person committed to the Division of Juvenile ~~Facilities~~ *Justice* prior to July 1, 2018.

(k) This section shall become operative July 1, 2021.

SEC. 5. *Section 704 of the Welfare and Institutions Code is amended to read:*

704. (a) If the court has determined that a minor is a person described by Section 602, or if the court has determined that a minor is a person described by Section 601 and a supplemental petition for commitment of ~~such~~ *the* minor to the ~~Youth Authority~~ *Division of Juvenile Justice* has been filed pursuant to Section 777, and ~~such~~ *the* minor is otherwise eligible for commitment to the ~~Youth Authority,~~ *Division of Juvenile Justice,* the court, if it concludes that a disposition of the case in the best interest of the minor requires such observation and diagnosis as can be made at a diagnostic and treatment center of the ~~Youth Authority,~~ *Division of Juvenile Justice,* may continue the hearing and order that ~~such~~ *the* minor be placed temporarily in such a center for a period not to exceed 90 days, with the further provision in such order that the Director of the ~~Youth Authority~~ *Division of Juvenile Justice* report to the court its diagnosis and recommendations concerning the minor within the 90-day period.

(b) The Director of ~~Youth Authority~~ *the Division of Juvenile Justice* shall, within the 90 days, cause the minor to be observed and examined and shall forward to the court ~~his~~ *the* diagnosis and recommendation concerning ~~such~~ *the* minor's future care, supervision, and treatment.

(c) The ~~Youth Authority~~ *Division of Juvenile Justice* shall accept ~~such~~ *that* person if there is in effect a contract made pursuant to Section 1752.1 and if it believes that the person can be materially benefited by such diagnostic and treatment services, and if the Director of the ~~Youth Authority~~ *Division of Juvenile Justice* certifies that staff and institutions are available. ~~No such person shall~~ *A person shall not* be transported to any facility under the jurisdiction of the ~~Youth Authority~~ *Division of Juvenile Justice* until the director has notified the referring court of the place to which said person is to be transported and the time at which ~~he~~ *the person* can be received.

(d) The probation officer of the county in which an order is made placing a minor in a diagnostic and treatment center pursuant to this section, or any other peace officer designated by the court, shall execute the order placing ~~such~~ *the* minor in the center or returning ~~him~~ *the minor* therefrom to the court. The expense of ~~such~~ *the* probation officer or other peace officer incurred in executing ~~such~~ *the* order is a charge upon the county in which the court is situated.

(e) This section shall become inoperative on July 1, 2021, and, as of January 1, 2022, is repealed.

SEC. 6. *Section 707.2 of the Welfare and Institutions Code is amended to read:*

707.2. (a) Prior to sentence and after considering a recommendation on the issue which shall be made by the probation department, the court of criminal jurisdiction may remand the minor to the custody of the ~~Department of the Youth Authority~~ *Division of Juvenile Justice* for a period not to exceed 90 days for the purpose of evaluation and report concerning ~~his or her~~ *the minor's* amenability to training and treatment offered by the ~~Department of the Youth Authority.~~ *Division of Juvenile Justice.* If the court decides not to remand the minor to the custody of the ~~Department of the Youth Authority,~~ *Division of Juvenile Justice,* the court shall make a finding on the record that the amenability evaluation is not necessary. However, a court of criminal jurisdiction shall not sentence any minor who was under ~~the age of 16 years~~ *16 years of age* when ~~he or she~~ *the minor* committed any criminal offense to the state prison unless ~~he or she~~ *the minor* has first been remanded to the custody of the ~~Department of the Youth Authority~~ *Division of Juvenile Justice* for evaluation and report pursuant to this section.

The need to protect society, the nature and seriousness of the offense, the interests of justice, and the needs of the minor shall be the primary considerations in the court's determination of the appropriate disposition for the minor.

(b) This section shall not apply where commitment to the ~~Department of the Youth Authority~~ *Division of Juvenile Justice* is prohibited pursuant to Section 1732.6.

(c) This section shall become inoperative on July 1, 2021, and, as of January 1, 2022, is repealed.

SEC. 7. *Section 726 of the Welfare and Institutions Code is amended to read:*

726. (a) In all cases in which a minor is adjudged a ward or dependent child of the court, the court may limit the control to be exercised over the ward or dependent child by any parent or guardian and shall, in its order, clearly

and specifically set forth all those limitations, but no ward or dependent child shall be taken from the physical custody of a parent or guardian, unless upon the hearing the court finds one of the following facts:

(1) That the parent or guardian is incapable of providing or has failed or neglected to provide proper maintenance, training, and education for the minor.

(2) That the minor has been tried on probation while in custody and has failed to reform.

(3) That the welfare of the minor requires that custody be taken from the minor's parent or guardian.

(b) Whenever the court specifically limits the right of the parent or guardian to make educational or developmental services decisions for the minor, the court shall at the same time appoint a responsible adult to make educational or developmental services decisions for the child until one of the following occurs:

(1) The minor reaches 18 years of age, unless the child chooses not to make educational or developmental services decisions for ~~himself or herself,~~ *themselves,* or is deemed by the court to be incompetent.

(2) Another responsible adult is appointed to make educational or developmental services decisions for the minor pursuant to this section.

(3) The right of the parent or guardian to make educational or developmental services decisions for the minor is fully restored.

(4) A successor guardian or conservator is appointed.

(5) The child is placed into a planned permanent living arrangement pursuant to paragraph (5) or (6) of subdivision (b) of Section 727.3, at which time, for educational decisionmaking, the foster parent, relative caretaker, or nonrelative extended family member, as defined in Section 362.7, has the right to represent the child in educational matters pursuant to Section 56055 of the Education Code, and for decisions relating to developmental services, unless the court specifies otherwise, the foster parent, relative caregiver, or nonrelative extended family member of the planned permanent living arrangement has the right to represent the child in matters related to developmental services.

(c) An individual who would have a conflict of interest in representing the child, as specified under federal regulations, may not be appointed to make educational decisions. The limitations applicable to conflicts of interest for educational rights holders shall also apply to authorized representatives for developmental services decisions pursuant to subdivision (b) of Section 4701.6. For purposes of this section, "an individual who would have a conflict of interest" means a person having any interests that might restrict or bias ~~his or her~~ *their* ability to make educational or developmental services decisions, including, but not limited to, those conflicts of interest prohibited by Section 1126 of the Government Code, and the receipt of compensation or attorneys' fees for the provision of services pursuant to this section. A foster parent may not be deemed to have a conflict of interest solely because ~~he or she~~ *the foster parent* receives compensation for the provision of services pursuant to this section.

(1) If the court limits the parent's educational rights pursuant to subdivision (a), the court shall determine whether there is a responsible adult who is a relative, nonrelative extended family member, or other adult known to the child and who is available and willing to serve as the child's educational representative before appointing an educational representative or surrogate who is not known to the child.

If the court cannot identify a responsible adult who is known to the child and available to make educational decisions for the child and paragraphs (1) to (5), inclusive, of subdivision (b) do not apply, and the child has either been referred to the local educational agency for special education and related services or has a valid individualized education program, the court shall refer the child to the local educational agency for appointment of a surrogate parent pursuant to Section 7579.5 of the Government Code.

(2) All educational and school placement decisions shall seek to ensure that the child is in the least restrictive educational programs and has access to the academic resources, services, and extracurricular and enrichment activities that are available to all pupils. In all instances, educational and school placement decisions shall be based on the best interests of the child. If an educational representative or surrogate is appointed for the child, the representative or surrogate shall meet with the child, shall investigate the child's educational needs and whether those needs are being met, and shall, before each review hearing held under Article 10 (commencing with Section 360), provide information and recommendations concerning the child's educational needs to the child's social worker, make written recommendations to the court, or attend the hearing and participate in those portions of the hearing that concern the child's education.

(3) Nothing in this section in any way removes the obligation to appoint surrogate parents for students with disabilities who are without parental representation in special education procedures as required by state and federal law, including Section 1415(b)(2) of Title 20 of the United States Code, Section 56050 of the Education Code, Section 7579.5 of the Government Code, and Rule 5.650 of the California Rules of Court.

If the court appoints a developmental services decisionmaker pursuant to this section, ~~he or she~~ *they* shall have the authority to access the child's information and records pursuant to subdivision (u) of Section 4514 and subdivision (y) of Section 5328, and to act on the child's behalf for the purposes of the individual program plan process pursuant to Sections 4646, 4646.5, and 4648 and the fair hearing process pursuant to Chapter 7 (commencing with Section 4700) of Division 4.5, and as set forth in the court order.

(d) (1) If the minor is removed from the physical custody of ~~his or her~~ *the minor's* parent or guardian as the result of an order of wardship made pursuant to Section 602, the order shall specify that the minor may not be held in physical confinement for a period in excess of the ~~maximum~~ *middle* term of imprisonment which could be imposed upon an adult convicted of the offense or offenses which brought or continued the minor under the jurisdiction of the juvenile court.

(2) As used in this section and in Section 731, "maximum term of imprisonment" means the ~~longest~~ *middle* of the three time periods set forth in paragraph (3) of subdivision (a) of Section 1170 of the Penal Code, but without the need to follow the provisions of subdivision (b) of Section 1170 of the Penal Code or to consider time for good behavior or participation pursuant to Sections 2930, 2931, and 2932 of the Penal Code, plus enhancements which must be proven if pled.

(3) If the court elects to aggregate the period of physical confinement on multiple counts or multiple petitions, including previously sustained petitions adjudging the minor a ward within Section 602, the "maximum term of imprisonment" shall be the aggregate term of imprisonment specified in subdivision (a) of Section 1170.1 of the Penal Code, which includes any additional term imposed pursuant to Section 667, 667.5, 667.6, or 12022.1 of the Penal Code, and Section 11370.2 of the Health and Safety Code.

(4) If the charged offense is a misdemeanor or a felony not included within the scope of Section 1170 of the Penal Code, the "maximum term of imprisonment" is the ~~longest~~ *middle* term of imprisonment prescribed by law.

(5) "Physical confinement" means placement in a juvenile hall, ranch, camp, forestry camp or secure juvenile home pursuant to Section 730, or in any institution operated by the Department of Corrections and Rehabilitation, Division of Juvenile Justice.

(6) This section does not limit the power of the court to retain jurisdiction over a minor and to make appropriate orders pursuant to Section 727 for the period permitted by Section 607.

SEC. 8. *Section 731 is added to the Welfare and Institutions Code, to read:*

731. *(a) If a minor is adjudged a ward of the court on the grounds that the minor is a person described by Section 602, the court may commit the ward to the Department of Corrections and Rehabilitation, Division of Juvenile Justice if the ward has committed an offense described in subdivision (b) of Section 707 or subdivision (c) of Section 290.008 of the Penal Code, and has been the subject of a motion filed to transfer the ward to the jurisdiction of the criminal court as provided in subdivision (c) of Section 736.5 and is not otherwise ineligible for commitment to the division under Section 733.*

(b) A ward committed to the Division of Juvenile Justice shall not be confined in excess of the term of confinement set by the committing court. The court shall set a maximum term based upon the facts and circumstances of the matter or matters that brought or continued the ward under the jurisdiction of the court and as deemed appropriate to achieve rehabilitation. The court shall not commit a ward to the Division of Juvenile Justice for a period that exceeds the middle term of imprisonment that could be imposed upon an adult convicted of the same offense. This subdivision does not limit the power of the Board of Juvenile Hearings to discharge a ward committed to the Division of Juvenile Justice pursuant to Sections 1719 and 1769. Upon discharge, the committing court may retain jurisdiction of the ward pursuant to Section 607.1 and establish the conditions of supervision pursuant to subdivision (b) of Section 1766.

(c) This section shall become operative on July 1, 2021, and shall remain in effect until the final closure of the Division of Juvenile Justice.

SEC. 9. *Section 733.1 of the Welfare and Institutions Code is amended to read:*

733.1. (a) Notwithstanding any other law, except as otherwise provided in this section, a ward of the juvenile court shall not be committed to the Department of Corrections and Rehabilitation, Division of Juvenile Justice on or after July 1, 2021.

(b) A court may commit a ward to the Department of Corrections and Rehabilitation, Division of Juvenile Justice as authorized in subdivision (c) of Section 736.5.

(c) Effective July 1, 2021, a person adjudged a ward of the court pursuant to Section 602, shall not be committed to the Department of Corrections and Rehabilitation, Division of Juvenile Justice, as long as allocations required by Section 1991 are authorized in statute and disbursed by September 1, 2021, and September 1 annually thereafter. To the extent that the allocations required by Section 1991 are not authorized in statute and disbursed annually thereafter, it is the intent of this section that wards adjudged wards of the court pursuant to Section 602 for an offense described in subdivision (b) of Section 707 of this code or subdivision (c) of Section 290.008 of the Penal Code may be committed to ~~a state-funded facility pursuant to Sections 731, 733, and 734.~~ *the Division of Juvenile Justice or, upon the final closure of the Division of Juvenile Justice, another state-funded facility, if the ward could have been committed to the Division of Juvenile Justice pursuant to Section 731, as that section read on January 1, 2021, and Sections 733, 734, and 736.5.* For the purpose of determining the state's compliance with this subdivision, the presumption shall be that the state is meeting its commitment in Section 1991 if that section is not materially changed from the law in effect on the operative date of this section.

SEC. 10. *Section 736.5 of the Welfare and Institutions Code is amended to read:*

736.5. (a) It is the intent of the Legislature to close the Division of Juvenile Justice within the Department of Corrections and Rehabilitation, through shifting responsibility for all youth adjudged a ward of the court, commencing July 1, 2021, to county governments and providing annual funding for county governments to fulfill this new responsibility.

(b) Beginning July 1, 2021, a ward shall not be committed to the Department of Corrections and Rehabilitation, Division of Juvenile Justice, except as described in subdivision (c).

(c) Pending the final closure of the Department of Corrections and Rehabilitation, Division of Juvenile Justice, a court may commit a ward who is otherwise eligible to be committed under existing law and in whose case a motion to transfer the minor from juvenile court to a court of criminal jurisdiction was filed. *The court shall consider, as an alternative to commitment to the Division of Juvenile Justice, placement in local programs, including those established as a result of the implementation of Chapter 337 of the Statutes of 2020.*

(d) All wards committed to the Department of Corrections and Rehabilitation, Division of Juvenile Justice prior to July 1, 2021 or pursuant to (c), shall remain within its custody until the ward is discharged, released or otherwise moved pursuant to ~~law.~~ *law, or until final closure of the Division of Juvenile Justice.*

(e) The Division of Juvenile Justice within the Department of Corrections and Rehabilitation shall close on June 30, 2023.

(f) The Director of the Division of Juvenile Justice shall develop a plan, by January 1, 2022, for the transfer of jurisdiction of youth remaining at the Division of Juvenile Justice who are unable to discharge or otherwise move pursuant to law prior to final closure on June 30, 2023.

~~(e)It is the intent of the Legislature to establish a separate dispositional track for higher-need youth by March 1, 2021. The framework for consideration shall be the processes laid out in Section 30 of Senate Bill 823 as amended on August 24, 2020.~~

SEC. 11. *Section 779.5 is added to the Welfare and Institutions Code, to read:*

779.5. *The court committing a ward to a secure youth treatment facility as provided in Section 875 may thereafter modify or set aside the order of commitment upon the written application of the ward or the probation department and upon a showing of good cause that the county or the commitment facility has failed, or is unable to, provide the ward with treatment, programming, and education that are consistent with the individual rehabilitation plan described in subdivision (d) of Section 875, that the conditions under which the ward is confined are harmful to the ward, or that the juvenile justice goals of rehabilitation and community safety are no longer served by continued confinement of the ward in a secure youth treatment facility. The court shall notice a hearing in which it shall hear any evidence from the ward, the probation department, and any behavioral health*

or other specialists having information relevant to consideration of the request to modify or set aside the order of commitment. The court shall, at the conclusion of the hearing, make its findings on the record, including findings as to the custodial and supervision status of the ward, based on the evidence presented.

SEC. 12. *Article 23.5 (commencing with Section 875) is added to Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code, to read:*

Article 23.5. Secure Youth Treatment Facilities

875. *(a) In addition to the types of treatment specified in Sections 727 and 730, commencing July 1, 2021, the court may order that a ward who is 14 years of age or older, be committed to a secure youth treatment facility for a period of confinement described in subdivision (b) if the ward meets the following criteria:*

(1) The juvenile is adjudicated and found to be a ward of the court based on an offense listed in subdivision (b) of Section 707.

(2) The adjudication described in paragraph (1) is the most recent offense for which the juvenile has been adjudicated.

(3) The court has made a finding on the record that a less restrictive, alternative disposition for the ward is unsuitable. In determining this, the court shall consider all relevant and material evidence, including the recommendations of counsel, the probation department, and any other agency or individual designated by the court to advise on the appropriate disposition of the case. The court shall additionally make its determination based on all of the following criteria:

(A) The severity of the offense or offenses for which the ward has been most recently adjudicated, including the ward's role in the offense, the ward's behavior, and harm done to victims.

(B) The ward's previous delinquent history, including the adequacy and success of previous attempts by the juvenile court to rehabilitate the ward.

(C) Whether the programming, treatment, and education offered and provided in a secure youth treatment facility is appropriate to meet the treatment and security needs of the ward.

(D) Whether the goals of rehabilitation and community safety can be met by assigning the ward to an alternative, less restrictive disposition that is available to the court.

(E) The ward's age, developmental maturity, mental and emotional health, sexual orientation, gender identity and expression, and any disabilities or special needs affecting the safety or suitability of committing the ward to a term of confinement in a secure youth treatment facility.

(b) In making its order of commitment for a ward, the court shall set a baseline term of confinement for the ward that is based on the most serious recent offense for which the ward has been adjudicated. The baseline term of confinement shall represent the time in custody necessary to meet the developmental and treatment needs of the ward and to prepare the ward for discharge to a period of probation supervision in the community. The baseline term of confinement for the ward shall be determined according to offense-based classifications that are approved by the Judicial Council as described in subdivision (h). Pending the development and adoption of offense-based classifications by the Judicial Council, the court shall set a baseline term of confinement for the ward utilizing the discharge consideration date guidelines applied by the Department of Corrections and Rehabilitation, Division of Juvenile Justice prior to its closure and as set forth in Sections 30807 to 30813, inclusive, of Title 9 of the California Code of Regulations. These guidelines shall be used only to determine a baseline confinement time for the ward and shall not be used or relied on to modify the ward's confinement time in any manner other than as provided in this section. The court may, pending the adoption of Judicial Council guidelines, modify the initial baseline term with a deviation of plus or minus six months. The baseline term shall also be subject to modification in progress review hearings as described in subdivision (e).

(c) In making its order of commitment, the court shall additionally set a maximum term of confinement for the ward in a secure youth treatment facility. The maximum term of confinement shall represent the longest term of confinement in a facility that the ward may serve subject to the following:

(1) A ward committed to a secure youth treatment facility under this section shall not be held in secure confinement beyond 23 years of age, or two years from the date of the commitment, whichever occurs later. However, if the ward has been committed to a facility based on adjudication for an offense or offenses for which the ward, if convicted in adult criminal court, would face an aggregate sentence of seven or more years, the

maximum period of confinement shall not exceed the ward attaining 25 years of age or two years from the date of the commitment, whichever occurs later.

(2) The maximum period of confinement shall not exceed the middle term of imprisonment that can be imposed upon an adult convicted of the same offense or offenses.

(d) (1) Within 30 days of making an order of commitment to a secure youth treatment facility, the court shall receive, review, and approve an individual rehabilitation plan that meets the requirements of paragraph (2) for the ward that has been submitted to the court by the probation department and any other agencies or individuals the court deems necessary for the development of the plan. The plan may be developed in consultation with a multidisciplinary team of youth service, mental and behavioral health, education, and other treatment providers who are convened to advise the court for this purpose. The prosecutor and the counsel for the ward may provide input in the development of the rehabilitation plan prior to the court's approval of the plan. The plan may be modified by the court based on all of the information provided.

(2) An individual rehabilitation plan shall do all of the following:

(A) Identify the ward's needs in relation to treatment, education, and development, including any special needs the ward may have in relation to health, mental or emotional health, disabilities, or gender-related or other special needs.

(B) Describe the programming, treatment, and education to be provided to the ward in relation to the identified needs during the commitment period.

(C) Reflect, and be consistent with, the principles of trauma-informed, evidence-based, and culturally responsive care.

(D) The ward and their family shall be given the opportunity to provide input regarding the needs of the ward during the identification process stated in subparagraph (A), and the opinions of the ward and the ward's family shall be included in the rehabilitation plan report to the court.

(e) (1) The court shall, during the term of commitment, schedule and hold a progress review hearing for the ward not less frequently than once every six months. In the review hearing, the court shall evaluate the ward's progress in relation to the rehabilitation plan and shall determine whether the baseline term of confinement is to be modified. The court shall consider the recommendations of counsel, the probation department and any behavioral, educational, or other specialists having information relevant to the ward's progress. At the conclusion of the review hearing, the court may order that the ward remain in custody for the remainder of the baseline term or may order that the ward's baseline term be modified downward by a reduction of confinement time not to exceed six months. The court may additionally order that the ward be assigned to a less restrictive program, as provided in subdivision (f).

(2) The ward's confinement time, including time spent in a less restrictive program described in subdivision (f), shall not be extended beyond the baseline confinement term, or beyond a modified baseline term, for disciplinary infractions or other in-custody behaviors. Any infractions or behaviors shall be addressed by alternative means, which may include a system of graduated sanctions for disciplinary infractions adopted by the operator of a secure youth treatment facility and subject to any relevant state standards or regulations that apply to juvenile facilities generally.

(3) The court shall, at the conclusion of the baseline confinement term, including any modified baseline term, hold a probation discharge hearing for the ward. For a ward who has been placed in a less restrictive program described in subdivision (f), the probation discharge hearing shall occur at the end of the period, or modified period, of placement that has been ordered by the court. At the discharge hearing, the court shall review the ward's progress toward meeting the goals of the individual rehabilitation plan and the recommendations of counsel, the probation department, and any other agencies or individuals having information the court deems necessary. At the conclusion of the hearing, the court shall order that the ward be discharged to a period of probation supervision in the community under conditions approved by the court, unless the court finds that the ward constitutes a substantial risk of imminent harm to others in the community if released from custody. If the court so finds, the ward may be retained in custody in a secure youth treatment facility for up to one additional year of confinement, subject to the review hearing and probation discharge hearing provisions of this subdivision and subject to the maximum confinement provisions of subdivision (c).

(4) If the ward is discharged to probation supervision, the court shall determine the reasonable conditions of probation that are suitable to meet the developmental needs and circumstances of the ward and to facilitate the

ward's successful reentry into the community. The court shall periodically review the ward's progress under probation supervision and shall make any additional orders deemed necessary to modify the program of supervision in order to facilitate the provision of services or to otherwise support the ward's successful reentry into the community. If the court finds that the ward has failed materially to comply with the reasonable orders of probation imposed by the court, the court may order that the ward be returned to a juvenile facility or to a placement described in subdivision (f) for a period not to exceed either the remainder of the baseline term, including any court-ordered modifications, or six months, whichever is longer, and in any case not to exceed the maximum confinement limits of subdivision (c).

(f) (1) Upon a motion from the probation department or the ward, the court may order that the ward be transferred from a secure youth treatment facility to less restrictive program, such as a halfway house, a camp or ranch, or a community residential or nonresidential service program. The purpose of a less restrictive program is to facilitate the safe and successful reintegration of the ward into the community. The court shall consider the transfer request at the next scheduled treatment review hearing or at a separately scheduled hearing. The court shall consider the recommendations of the probation department on the proposed change in placement. Approval of the request for a less restrictive program shall be made only upon the court's determination that the ward has made substantial progress toward the goals of the individual rehabilitation plan described in subdivision (d) and that placement is consistent with the goals of youth rehabilitation and community safety. In making its determination, the court shall consider both of the following factors:

(A) The ward's overall progress in relation to the rehabilitation plan during the period of confinement in a secure youth treatment facility.

(B) The programming and community transition services to be provided, or coordinated by the less restrictive program, including, but not limited to, any educational, vocational, counseling, housing, or other services made available through the program.

(2) In any order transferring the ward from a secure youth treatment facility to a less restrictive program, the court may require the ward to observe any conditions of performance or compliance with the program that are reasonable and appropriate in the individual case and that are within the capacity of the ward to perform. The court shall set the length of time the ward is to remain in a less restrictive program, not to exceed the remainder of the baseline or modified baseline term, prior to a probation discharge hearing described in subdivision (e). If, after placement in a less restrictive program, the court determines that the ward has materially failed to comply with the court-ordered conditions of placement in the program, the court may modify the terms and conditions of placement in the program or may order the ward to be returned to a secure youth treatment facility for the remainder of the baseline term, or modified baseline term, and subject to further periodic review hearings, as provided in subdivision (e) and to the maximum confinement provisions of subdivision (c).

(g) A secure youth treatment facility, as described in this section, shall meet the following criteria:

(1) The facility shall be a secure facility that is operated, utilized, or accessed by the county of commitment to provide appropriate programming, treatment, and education for wards having been adjudicated for the offenses specified in subdivision (a).

(2) The facility may be a stand-alone facility, such as a probation camp or other facility operated under contract with the county, or with another county, or may be a unit or portion of an existing county juvenile facility, including a juvenile hall or probation camp, that is configured and programmed to serve the population described in subdivision (a) and is in compliance with the standards described in paragraph (3).

(3) The Board of State and Community Corrections shall by July 1, 2023, review existing juvenile facility standards and modify or add standards for the establishment, design, security, programming and education, and staffing of any facility that is utilized or accessed by the court as a secure youth treatment facility under the provisions of this section. The standards shall be developed by the board with the coordination and concurrence of the Office of Youth and Community Restoration established by Section 2200. The standards shall specify how the facility may be used to serve or to separate juveniles, other than juveniles described in subdivision (a) serving baseline confinement terms, who may also be detained in or committed to the facility or to some portion of the facility. Pending the final adoption of these modified standards, a secure youth treatment facility shall comply with applicable minimum standards for juvenile facilities in Title 15 and Title 24 of the California Code of Regulations.

(4) A county proposing to establish a secure youth treatment facility for wards described in subdivision (a) shall notify the Board of State and Community Corrections of the operation of the facility and shall submit a

description of the facility to the board in a format designated by the board. Commencing July 1, 2022, the Board of State and Community Corrections shall conduct a biennial inspection of each secure youth treatment facility that was used for the confinement of juveniles placed pursuant to subdivision (a) during the preceding calendar year. To the extent new standards are not yet in place, the board shall utilize the standards in existing regulations.

(5) In lieu of establishing its own secure youth treatment facility, a county may contract with another county having a secure youth treatment facility to accept commitments of wards described in subdivision (a).

(6) A county may establish a secure youth treatment facility to serve as a regional center for commitment of juveniles by one or more other counties on a contract payment basis.

(h) (1) By July 1, 2023, the Judicial Council shall develop and adopt a matrix of offense-based classifications to be applied by the juvenile courts in all counties in setting the baseline confinement terms described in subdivision (b). Each classification level or category shall specify a set of offenses within the level or category that is linked to a standard baseline term of years to be assigned to youth, based on their most serious recent adjudicated offense, who are committed to a secure youth treatment facility as provided in this section. The classification matrix may provide for upward or downward deviations from the baseline term and may also provide for a system of positive incentives or credits for time served. In developing the matrix, the Judicial Council shall be advised by a working group of stakeholders, which shall include representatives from prosecution, defense, probation, behavioral health, youth service providers, youth formerly incarcerated in the Division of Juvenile Justice, and youth advocacy and other stakeholders and organizations having relevant expertise or information on dispositions and sentencing of youth in the juvenile justice system. In the development process, the Judicial Council shall also examine and take into account youth sentencing and length-of-stay guidelines or practices adopted by other states or recommended by organizations, academic institutions, or individuals having expertise or having conducted relevant research on dispositions and sentencing of youth in the juvenile justice system.

(2) Upon final adoption by the Judicial Council, the matrix of offense-based classifications shall be applied in a standardized manner by juvenile courts in each county in cases where the court is required to set a baseline confinement term under subdivision (b) for wards who are committed to a secure youth treatment facility. The discharge consideration date guidelines of the Division of Juvenile Justice that were applied on an interim basis, as provided in subdivision (b), shall not thereafter be utilized to determine baseline confinement terms for wards who are committed to a secure youth treatment facility under the provisions of this section.

(i) A court shall not commit a juvenile to any juvenile facility, including a secure youth treatment facility as defined in this section, for a period that exceeds the middle term of imprisonment that could be imposed upon an adult convicted of the same offense or offenses.

875.5. *(a) It is the intent of the Legislature to apply Article 6 (commencing with Section 1800) of Chapter 1 of Division 2.5, governing extended detention of persons physically dangerous to the public who are served by the Division of Juvenile Justice, to persons physically dangerous to the public who are committed to a secure treatment facility pursuant to Section 875, pending development of a specific commitment process for realigned persons pursuant to subdivision (b).*

(b) The Governor and the Legislature shall work with stakeholders, including, but not limited to, the Division of Juvenile Justice, the State Department of State Hospitals, the Chief Probation Officers of California, the California State Association of Counties, advocacy organizations representing youth, and the Judicial Council to develop language by July 1, 2021, to replace the procedures specified in Section 876 with a commitment process that ensures the treatment capacity, legal protections, and court procedures are appropriate to successfully serve persons realigned from the Division of Juvenile Justice to the counties by Senate Bill 823 (Chapter 337, Statutes of 2020).

(c) It is the intent of the Legislature to enact legislation that would, effective July 1, 2022, extend detention of persons physically dangerous to the public who are in a secure youth treatment facility pursuant to the commitment process developed in subdivision (b).

876. *(a) If a probation department determines that the discharge of a person confined in a secure youth treatment facility from the control of the court at the time required by Section 875 would be physically dangerous to the public because of the person's mental or physical condition, disorder, or other problem that causes the person to have serious difficulty controlling their dangerous behavior, the department shall request the prosecuting attorney to petition the committing court for an order directing that the person remain subject to*

the control of the department beyond that time. The petition shall be filed at least 90 days before the time of discharge otherwise required. The petition shall be accompanied by a written statement of the facts upon which the department bases its opinion that discharge at the time stated would be physically dangerous to the public, but the petition may not be dismissed and an order may not be denied merely because of technical defects in the application.

(b) The prosecuting attorney shall promptly notify the probation department of a decision not to file a petition.

(c) If a petition is filed with the court and, upon review, the court determines that the petition, on its face, supports a finding of probable cause, the court shall order that a hearing be held. The court shall provide notification of the hearing to the person whose liberty is involved and, if the person is a minor, the minor's parent or guardian, if the minor's parent or guardian can be reached, and, if not, the court shall appoint a person to act in the place of the parent or guardian and shall afford the person an opportunity to appear at the hearing with the aid of counsel and the right to cross-examine experts or other witnesses upon whose information, opinion, or testimony the petition is based. The court shall inform the person named in the petition of their right of process to compel attendance of relevant witnesses and the production of relevant evidence. When the person is unable to provide their own counsel, the court shall appoint counsel to represent them. The probable cause hearing shall be held within 10 calendar days after the date the order is issued pursuant to this subdivision unless the person named in the petition waives this time.

(d) At the probable cause hearing, the court shall receive evidence and determine whether there is probable cause to believe that discharge of the person would be physically dangerous to the public because of the person's mental or physical condition, disorder, or other problem that causes the person to have serious difficulty controlling dangerous behavior. If the court determines there is not probable cause, the court shall dismiss the petition and the person shall be discharged from the control of a secure youth treatment facility at the time required by Section 875, as applicable. If the court determines there is probable cause, the court shall order that a trial be conducted to determine whether the person is physically dangerous to the public because of their mental or physical condition, disorder, or other problem.

(e) If a trial is ordered, the trial shall be by jury unless the right to a jury trial is personally waived by the person, after the person has been fully advised of the constitutional rights being waived, and by the prosecuting attorney, in which case trial shall be by the court. If the jury is not waived, the court shall cause a jury to be summoned and to be in attendance at a date stated, not less than 4 days nor more than 30 days from the date of the order for trial, unless the person named in the petition waives time. The court shall submit to the jury, or, at a court trial, the court shall answer, the following question: Is the person physically dangerous to the public because of a mental or physical condition, disorder, or other problem that causes the person to have serious difficulty controlling their dangerous behavior? The court's previous order entered pursuant to this section shall not be read to the jury, nor alluded to in the trial. The person shall be entitled to all rights guaranteed under the federal and state constitutions in criminal proceedings. A unanimous jury verdict shall be required in any jury trial. As to either a court or a jury trial, the standard of proof shall be that of proof beyond a reasonable doubt.

(f) If an order for continued detention is made pursuant to this section, the control of the department over the person shall continue, subject to the provisions of this article, but, unless the person is previously discharged as provided in Section 875, the department shall, within two years after the date of that order in the case of persons committed by the juvenile court, or within two years after the date of that order in the case of persons committed after conviction in criminal proceedings, file a new application for continued detention in accordance with the provisions of this section if continued detention is deemed necessary. These applications may be repeated at intervals as often as in the opinion of the department may be necessary for the protection of the public, except that the court shall have the power, in order to protect other persons in the custody of probation to refer the person for evaluation for civil commitment or to transfer the custody of any person over 25 years of age to the county adult probation authorities for placement in an appropriate institution. Each person shall be discharged from the control of the probation department at the termination of the period stated in this section unless the probation department has filed a new application and the court has made a new order for continued detention as provided above in this section.

(g) An order of the committing court made pursuant to this section is appealable by the person whose liberty is involved in the same manner as a judgment in a criminal case. The appellate court may affirm the order of the lower court, or modify it, or reverse it and order the appellant to be discharged. Pending appeal, the appellant shall remain under the control of the probation department.

SEC. 13. *Section 1731.5 of the Welfare and Institutions Code is amended to read:*

1731.5. (a) After certification to the Governor as provided in this article, a court ~~may~~ *may, until July 1, 2021,* commit to the Division of Juvenile Justice any person who meets all of the following:

(1) Is convicted of an offense described in subdivision (b) of Section 707 or subdivision (c) of Section 290.008 of the Penal Code.

(2) Is found to be less than 21 years of age at the time of apprehension.

(3) Is not sentenced to death, imprisonment for life, with or without the possibility of parole, whether or not pursuant to Section 190 of the Penal Code, imprisonment for 90 days or less, or the payment of a fine, or after having been directed to pay a fine, defaults in the payment thereof, and is subject to imprisonment for more than 90 days under the judgment.

(4) Is not granted probation, or was granted probation and that probation is revoked and terminated.

(b) The Division of Juvenile Justice shall accept a person committed to it *prior to July 1,2021,* pursuant to this article if it believes that the person can be materially benefited by its reformatory and educational discipline, and if it has adequate facilities to provide that care.

(c) A person under 18 years of age who is not committed to the division pursuant to this section may be transferred to the division by the Secretary of the Department of Corrections and Rehabilitation with the approval of the Director of the Division of Juvenile Justice. In sentencing a person under 18 years of age, the court ~~may~~ *may, until July 1, 2021,* order that the person be transferred to the custody of the Division of Juvenile Justice pursuant to this subdivision. If the court makes this order and the division fails to accept custody of the person, the person shall be returned to court for resentencing. The transfer shall be solely for the purposes of housing the inmate, allowing participation in the programs available at the institution by the inmate, and allowing division parole supervision of the inmate, who, in all other aspects shall be deemed to be committed to the Department of Corrections and Rehabilitation and shall remain subject to the jurisdiction of the Secretary of the Department of Corrections and Rehabilitation and the Board of Parole Hearings. Notwithstanding subdivision (b) of Section 2900 of the Penal Code, the secretary, with the concurrence of the director, may designate a facility under the jurisdiction of the director as a place of reception for a person described in this subdivision. The director has the same powers with respect to an inmate transferred pursuant to this subdivision as if the inmate had been committed or transferred to the Division of Juvenile Justice either under the Arnold-Kennick Juvenile Court Law or subdivision (a). The duration of the transfer shall extend until any of the following occurs:

(1) The director orders the inmate returned to the Department of Corrections and Rehabilitation.

(2) The inmate is ordered discharged by the Board of Parole Hearings.

(3) The inmate reaches 18 years of age. However, if the inmate's period of incarceration would be completed on or before the inmate's 25th birthday, the director may continue to house the inmate until the period of incarceration is ~~completed.~~ *completed or until final closure of the Division of Juvenile Justice.*

(d) The amendments to subdivision (c), as that subdivision reads on July 1, 2018, made by the act adding this subdivision, apply retroactively.

SEC. 14. *Section 1731.6 of the Welfare and Institutions Code is amended to read:*

1731.6. (a) In any county in which there is in effect a contract made pursuant to Section 1752.1, if a court has determined that a person comes within the provisions of Section 1731.5 and concludes that a proper disposition of the case requires such observation and diagnosis as can be made at a diagnostic and treatment center of the ~~Youth Authority,~~ *Division of Juvenile Justice,* the court may continue the hearing ~~and~~ *and, until July 1, 2021,* order that ~~such~~ *the* person be placed temporarily in such a center for a period not to exceed 90 days, with the further provision in such order that the Director of the ~~Youth Authority~~ *Division of Juvenile Justice* report to the court its diagnosis and recommendations concerning the person within the 90-day period.

(b) The Director of the ~~Youth Authority~~ *Division of Juvenile Justice* shall, within the 90 days, cause the person to be observed and examined and shall forward to the court ~~his~~ *the* diagnosis and recommendation concerning ~~such~~ *the* person's future care, supervision, and treatment.

(c) The ~~Youth Authority~~ *Division of Juvenile Justice* shall accept ~~such~~ *that* person if it believes that the person can be materially benefited by such diagnostic and treatment services and if the Director of the ~~Youth Authority~~ *Division of Juvenile Justice* certifies that staff and institutions are available. ~~No such~~ *A* person shall *not* be transported to any facility under the jurisdiction of the ~~Youth Authority~~ *Division of Juvenile Justice* until the director has notified the referring court of the place to which ~~such~~ *the* person is to be transported and the time at which ~~he~~ *the person* can be received.

(d) Notwithstanding ~~the provisions of~~ subdivision (c), the ~~Youth Authority~~ *Division of Juvenile Justice* shall accept without cost to the county any persons remanded pursuant to Section 707.2.

(e) The sheriff of the county in which an order is made placing a person in a diagnostic and treatment center pursuant to this section, or any other peace officer designated by the court, shall execute the order placing ~~such~~ *the* person in the center or returning ~~him~~ *them* therefrom to the court. The expense of ~~such~~ *the* sheriff or other peace officer incurred in executing ~~such~~ *that* order is a charge upon the county in which the court is situated.

SEC. 15. *Section 1731.7 of the Welfare and Institutions Code, as amended by Section 42 of Chapter 29 of the Statutes of 2020, is amended to read:*

1731.7. (a) The Department of Corrections and Rehabilitation, Division of Juvenile Justice, shall establish and operate a seven-year pilot program for transition-aged youth. Commencing on or after January 1, 2019, the program shall divert a limited number of transition-aged youth from adult prison to a juvenile facility in order to provide developmentally appropriate, rehabilitative programming designed for transition-aged youth with the goal of improving their outcomes and reducing recidivism.

(b) The department may develop criteria for placement in this program, initially targeting youth sentenced by a superior court who committed an offense described in subdivision (b) of Section 707 prior to 18 years of age. Youth with a period of incarceration that cannot be completed on or before their 25th birthday are ineligible for placement in the transition-aged youth program. The department may consider the availability of program credit earning opportunities that lower the total length of time a youth serves in determining eligibility.

(c) Notwithstanding any other law, following sentencing, an individual who is 18 years of age or older at the time of sentencing and who has been convicted of an offense described in subdivision (b) of Section 707 that occurred prior to 18 years of age shall remain in local detention pending a determination of acceptance or rejection by the Division of Juvenile Justice. The Division of Juvenile Justice shall notify the local detention authority upon determination of acceptance or rejection of an individual pursuant to this subdivision.

(d) An eligible person may be transferred to the Division of Juvenile Justice by the Secretary of the Department of Corrections and Rehabilitation with the approval of the Director of the Division of Juvenile Justice. Notwithstanding subdivision (b) of Section 2900 of the Penal Code, the secretary, with the concurrence of the director, may designate a facility under the jurisdiction of the Division of Juvenile Justice as a place of reception for a person described in this section.

(e) The duration of the transfer shall extend until either of the following occurs:

(1) The director orders the youth returned to the Department of Corrections and Rehabilitation.

(2) The youth's period of incarceration is completed.

(f) The Division of Juvenile Justice shall produce and submit a report to the Legislature on January 1, 2020, ~~and each January 1 thereafter,~~ to assess the program. At a minimum, the report shall include all of the following:

(1) Criteria used to determine placement in the program.

(2) Guidelines for satisfactory completion of the program.

(3) Demographic data of eligible and selected participants, including, but not limited to, county of conviction, race, gender, sexual orientation, and gender identity and expression.

(4) Disciplinary infractions incurred by participants.

(5) Good conduct, milestone completion, rehabilitative achievement, and educational merit credits earned in custody.

(6) Quantitative and qualitative measures of progress in programming.

(7) Rates of attrition of program participants.

(g) The Division of Juvenile Justice shall contract with one or more independent universities or outside research organizations to evaluate the effects of participation in the program established by this section. This evaluation shall include, at a minimum, an evaluation of cost-effectiveness, recidivism data, consistency with evidence-based principles, and program fidelity. If sufficient data is available, the evaluation may also compare participant outcomes with a like group of similarly situated transition aged youth retained in the counties or incarcerated in adult institutions.

(h) The Division of Juvenile Justice shall promulgate regulations to implement this section.

(i) Effective July 1, 2020, the pilot program operated pursuant to this section shall be suspended. Any pilot program participants who were diverted from an adult prison pursuant to this section and who were housed at the Division of Juvenile Justice prior to January 1, 2020, may remain at the Division of Juvenile Justice pursuant to subdivision (e).

SEC. 16. *Section 1731.7 of the Welfare and Institutions Code, as added by Section 68 of Chapter 25 of the Statutes of 2019, is repealed.*

~~1731.7.(a)The Department of Corrections and Rehabilitation shall establish and operate a seven-year pilot program for transition-aged youth. Commencing on or after January 1, 2019, the program shall divert a limited number of transition-aged youth from adult prison to a juvenile facility in order to provide developmentally appropriate, rehabilitative programming designed for transition-aged youth with the goal of improving their outcomes and reducing recidivism.~~

~~(b)The department may develop criteria for placement in this program, initially targeting youth sentenced by a superior court who committed an offense described in subdivision (b) of Section 707 prior to 18 years of age. Youth with a period of incarceration that cannot be completed on or before their 25th birthday are ineligible for placement in the transition-aged youth program. The department may consider the availability of program credit earning opportunities that lower the total length of time a youth serves in determining eligibility.~~

~~(c)Notwithstanding any other law, following sentencing, an individual who is 18 years of age or older at the time of sentencing and who has been convicted of an offense described in subdivision (b) of Section 707 that occurred prior to 18 years of age shall remain in local detention pending a determination of acceptance or rejection by the Department of Youth and Community Restoration. The Department of Youth and Community Restoration shall notify the local detention authority upon determination of acceptance or rejection of an individual pursuant to this subdivision.~~

~~(d)An eligible person may be transferred to the Department of Youth and Community Restoration by the Secretary of the Department of Corrections and Rehabilitation with the approval of the Director of the Department of Youth and Community Restoration. Notwithstanding subdivision (b) of Section 2900 of the Penal Code, the secretary, with the concurrence of the director, may designate a facility under the jurisdiction of the Department of Youth and Community Restoration as a place of reception for a person described in this section.~~

~~(e)The duration of the transfer shall extend until either of the following occurs:~~

~~(1)The director orders the youth returned to the Department of Corrections and Rehabilitation.~~

~~(2)The youth's period of incarceration is completed.~~

~~(f)The Department of Youth and Community Restoration shall produce and submit a report to the Legislature on January 1, 2021, and each January 1 thereafter, to assess the program. At a minimum, the report shall include all of the following:~~

~~(1)Criteria used to determine placement in the program.~~

~~(2)Guidelines for satisfactory completion of the program.~~

~~(3)Demographic data of eligible and selected participants, including, but not limited to, county of conviction, race, gender, sexual orientation, and gender identity and expression.~~

~~(4)Disciplinary infractions incurred by participants.~~

~~(5)Good conduct, milestone completion, rehabilitative achievement, and educational merit credits earned in custody.~~

~~(6)Quantitative and qualitative measures of progress in programming.~~

~~(7)Rates of attrition of program participants.~~

~~(g)The Department of Youth and Community Restoration shall contract with one or more independent universities or outside research organizations to evaluate the effects of participation in the program established by this section. This evaluation shall include, at a minimum, an evaluation of cost-effectiveness, recidivism data, consistency with evidence-based principles, and program fidelity. If sufficient data is available, the evaluation may also compare participant outcomes with a like group of similarly situated transition aged youth retained in the counties or incarcerated in adult institutions.~~

~~(h)The Department of Youth and Community Restoration shall promulgate regulations to implement this section.~~

~~(i)This section shall become operative July 1, 2020.~~

~~(j)This section shall become inoperative on June 1, 2026, and, as of January 1, 2027, is repealed.~~

SEC. 17. *Section 1752.1 of the Welfare and Institutions Code is amended to read:*

1752.1. *(a)* The director may enter into contracts with the approval of the Director of Finance with any county of this state, upon request of the board of supervisors thereof, wherein the ~~Youth Authority~~ *Division of Juvenile Justice* agrees to furnish diagnosis and treatment services and temporary detention during a period of study to the county for selected cases of persons eligible for commitment to the ~~Youth Authority.~~ *Division of Juvenile Justice.* The county shall reimburse the state for the cost of ~~such~~ *those* services, ~~such~~ *the* cost to be determined by the Director of the ~~Youth Authority.~~ *Division of Juvenile Justice.*

~~The Youth Authority~~

(b) The Division of Juvenile Justice shall present to the county, not more frequently than monthly, a claim for the amount due the state under this section which the county shall process and pay pursuant to the provisions of Chapter 4 (commencing with Section 29700) of Division 3 of Title 3 of the Government Code.

(c) The Division of Juvenile Justice shall not accept new cases from the counties pursuant to this section on and after July 1, 2021.

SEC. 18. *Section 1752.15 of the Welfare and Institutions Code is amended to read:*

1752.15. *(a)* The director may enter into contracts, with the approval of the Director of Finance, with any county of this state upon request of the board of supervisors thereof, wherein the ~~Department of the Youth Authority~~ *Division of Juvenile Justice* agrees to furnish temporary emergency detention facilities and necessary services incident thereto, for persons under the age of 18 years who are in the custody of the county probation officer pursuant to provisions of Chapter 2 (commencing with Section 200) of Part 1 of Division 2. Facilities of the department may be used only on a temporary basis when existing county juvenile facilities are rendered unsafe or inadequate because of a natural or manmade disaster, or when the continued presence of the minor or minors in the county juvenile facilities would, in the opinion of the judge of the juvenile court having jurisdiction over the minor, of the chief probation officer of the county, and of the director, present a significant risk of violence or escape. They may not be used for the detention of a person who is alleged to be or has been adjudged to be a person described by Section 300 or Section 601.

~~Whenever~~

(b) Whenever any person is detained in a ~~California Youth Authority~~ *Division of Juvenile Justice* facility located in a county other than the county which has contracted for services pursuant to this section, the county shall provide for adequate consultation between the minor and ~~his or her~~ *the minor's* attorney; and, if the minor's parent or guardian lacks adequate private means of transportation, and if the minor has been detained in the facility for more than 10 days, the county shall make reasonable efforts to provide for visitation between the minor and ~~his or her~~ *the minor's* parents or guardian.

~~The~~

(c) The county shall reimburse the state for the cost of these services, the cost to be determined by the director. The department shall present to the county, not more than once a month, a claim for the amount due the state under this section which the county shall process and pay pursuant to the provisions of Chapter 4 (commencing with Section 29700) of Division 3 of Title 3 of the Government Code.

(d) The Division of Juvenile Justice shall not accept new cases from the counties pursuant to this section on and after July 1, 2021.

SEC. 19. *Section 1767.35 of the Welfare and Institutions Code is amended to read:*

1767.35. (a) For a ward discharged from the Division of Juvenile ~~Facilities~~ *Justice* to the jurisdiction of the committing court, that person may be detained by probation, for the purpose of initiating proceedings to modify the ward's conditions of supervision entered pursuant to paragraph (6) of subdivision (b) of Section 1766 if there is probable cause to believe that the ward has violated any of the court-ordered conditions of supervision. Within 15 days of detention, the committing court shall conduct a modification hearing for the ward. Pending the hearing, the ward may be detained by probation. At the hearing authorized by this subdivision, at which the ward shall be entitled to representation by counsel, the court shall consider the alleged violation of conditions of supervision, the risks and needs presented by the ward, and the supervision programs and sanctions that are available for the ward. Modification may include, as a sanction for a finding of a serious violation or a series of repeated violations of the conditions of supervision, an order for the reconfinement of a ward under 18 years of age in a juvenile facility, or for the reconfinement of a ward 18 years of age or older in a juvenile facility as authorized by Section 208.5, or for the reconfinement of a ward 18 years of age or older in a local adult facility as authorized by subdivision (b), ~~or~~ *or, until July 1, 2021,* the Division of Juvenile ~~Facilities~~ *Justice* as authorized by subdivision (c). The ward shall be fully informed by the court of the terms, conditions, responsibilities, and sanctions that are relevant to the order that is adopted by the court. The procedure of the supervision modification hearing, including the detention status of the ward in the event continuances are ordered by the court, shall be consistent with the rules, rights, and procedures applicable to delinquency disposition hearings, as described in Article 17 (commencing with Section 675) of Chapter 2 of Part 1 of Division 2.

(b) Notwithstanding any other law, subject to Chapter 1.6. (commencing with Section 1980), and consistent with the maximum periods of time set forth in Section 731, in any case in which a person who was committed to and discharged from the Department of Corrections and Rehabilitation, Division of Juvenile ~~Facilities~~ *Justice* to the jurisdiction of the committing court attains 18 years of age prior to being discharged from the division or during the period of supervision by the committing court, the court may, upon a finding that the ward violated ~~his or her~~ *their* conditions of supervision and after consideration of the recommendation of the probation officer and pursuant to a hearing conducted according to the provisions of subdivision (a), order that the person be delivered to the custody of the sheriff for a period not to exceed a total of 90 days, as a custodial sanction consistent with the reentry goals and requirements imposed by the court pursuant to paragraph (6) of subdivision (b) of Section 1766. Notwithstanding any other law, the sheriff may allow the person to come into and remain in contact with other adults in the county jail or in any other county correctional facility in which ~~he or she~~ *the person* is housed.

(c) Notwithstanding any other law and subject to Chapter 1.6 (commencing with Section 1980), in any case in which a person who was committed to and discharged from the Department of Corrections and Rehabilitation, Division of Juvenile ~~Facilities,~~ *Justice,* to the jurisdiction of the committing court, the juvenile court may, upon a finding that the ward violated ~~his or her~~ *their* conditions of supervision and after consideration of the recommendation of the probation officer and pursuant to a hearing conducted according to the provisions of subdivision (a), order that the person be returned to the custody of the Department of Corrections and Rehabilitation, Division of Juvenile ~~Facilities,~~ *Justice,* for a specified amount of time no shorter than 90 days and no longer than one year. This return shall be a sanction consistent with the reentry goals and requirements imposed by the court pursuant to paragraph (6) of subdivision (b) of Section 1766. A decision to return a ward to the custody of the Division of Juvenile ~~Facilities~~ *Justice* can only be made *prior to July 1, 2021, and* pursuant to the court making the following findings: (1) that appropriate local options and programs have been exhausted, and (2) that the ward has available confinement time that is greater than or equal to the length of the return.

(d) Upon ordering a ward to the custody of the Division of Juvenile ~~Facilities,~~ *Justice,* the court shall send to the Division of Juvenile ~~Facilities~~ *Justice* a copy of its order along with a copy of the ward's probation plans and history while under the supervision of the county.

~~(e)This section shall become operative on January 1, 2013.~~

SEC. 20. *Section 1991 of the Welfare and Institutions Code is amended to read:*

1991. (a) Commencing with the ~~2021-22~~ *2021–22* fiscal year, and annually thereafter, there shall be an allocation to the county for use by the county to provide appropriate rehabilitative housing and supervision services for the

population specified in subdivision (b) of Section 1990. In making allocations, the Board of Supervisors shall consider the plan required in Section 1995. Any entity receiving a direct allocation of funding from the Board of Supervisors under this section for any secure residential placement for court ordered detention will be subject to existing regulations. ~~A~~ *With the exception of county probation departments, a* local public agency that has primary responsibility for prosecuting or making arrests or detentions shall not provide rehabilitative and supervision services for the population specified in subdivision (b) of Section 1990 or receive funding pursuant to this section:

(1) For the ~~2021-22~~ *2021–22* fiscal year, thirty-nine million nine hundred forty-nine thousand dollars ($39,949,000) shall be appropriated from the General Fund to provide appropriate rehabilitative and supervision services for the population specified in subdivision (b) of Section 1990 based on a projected average daily population of 177.6 wards. The by-county distribution shall be based on 30 percent of the per-county percentage of the average number of wards committed to the Department of Corrections and Rehabilitation, Division of Juvenile Justice, as of December 31, 2018, June 30, 2019, and December 31, 2019, 50 percent of the by-county distribution of juveniles adjudicated for certain violent and serious felony crime categories per 2018 Juvenile Court and Probation Statistical System data, updated annually based on the most recently available data, and 20 percent of the by-county distribution of all individuals between 10 and 17 years of age, inclusive, from the preceding calendar year.

(2) For the ~~2022-23~~ *2022–23* fiscal year, one hundred eighteen million three hundred thirty-nine thousand dollars ($118,339,000) shall be appropriated from the General Fund to provide appropriate rehabilitative and supervision services for the population specified in subdivision (b) of Section 1990. The by-county distribution is based *on* the per-county percentage referenced in paragraph (1) of subdivision (a) and a projected average daily population of 526 wards.

(3) For the ~~2023-24~~ *2023–24* fiscal year, one hundred ninety two million thirty-seven thousand dollars ($192,037,000) shall be appropriated from the General Fund to provide appropriate rehabilitative and supervision services for the population specified in subdivision (b) Section 1990. The by-county distribution is based the per-county percentage referenced in paragraph (1) of subdivision (a) and a projected average daily population of 853.5 wards.

(4) For the ~~2024-25~~ *2024–25* fiscal year and each year thereafter, two hundred eight million eight hundred thousand dollars ($208,800,000) shall be appropriated from the General Fund to provide appropriate rehabilitative and supervision services for the population specified in subdivision (b) of Section 1990 based on a projected average daily population of 928 wards. The Governor and the Legislature shall work with stakeholders to establish a distribution methodology for the funding in this paragraph by January 10, 2024, and ongoing that improves outcomes for this population.

(5) The Department of Finance shall increase to no more than two hundred fifty thousand dollars ($250,000) the award amount for any county whose allocation as calculated pursuant to paragraphs (1), (2), (3), and (4) totals less than two hundred fifty thousand dollars ($250,000). The appropriation in paragraphs (1), (2), (3), and (4) shall be increased by the amount(s) needed to bring each counties allocation to $250,000.

(b) Commencing with the ~~2024-25~~ *2024–25* fiscal year, the allocations determined by paragraphs (4) and (5) of subdivision (a) and shall be adjusted annually by a rate commensurate with any applicable growth in the Juvenile Justice Growth Special Account in the prior fiscal year. Each year this growth shall become additive to the next year's base allocation.

(c) By ~~September~~ *July* 1, 2021, and each ~~September~~ *July* 1 annually thereafter, the Department of Finance shall allocate the amount calculated in paragraphs (1), (2), (3), (4), and (5) of subdivision (a) from the General Fund and provide a schedule for the allocation of funds among counties to the ~~State~~ Controller. The ~~State~~ Controller shall allocate these funds ~~in monthly installments according to the same schedule for allocations from the Youthful Offender Block Grant Special Account.~~ *no later than August 1 each year, consistent with the schedule provided by the Department of Finance.*

SEC. 21. *Section 2250 of the Welfare and Institutions Code is amended to read:*

2250. (a) Nine million six hundred thousand dollars ($9,600,000) is hereby appropriated from the General Fund to the Youth Programs and Facilities Grant Program, which shall be administered by the Board of State and Community Corrections, to award one-time grants, to counties for the purpose of providing resources for infrastructure related needs and improvements to assist counties in the development of a local continuum of care.

(b) Each entity receiving a grant from the Youth Programs and Facilities Grant Program shall submit a detailed report to the office with the following information:

(1) An accounting of expenditures.

(2) A description of the physical and system enhancements made.

(3) How many regional placement beds were supported with the funding.

(4) What proportion of the regional placement beds were contracted to other counties and which counties.

(c) ~~A~~ *With the exception of county probation departments, a* local public agency that has responsibility for making arrests and detaining suspects as its primary responsibility, or which is responsible for prosecutions, is ineligible to apply for this grant.

(d) Funds from the Youth Programs and Facilities Grant Program shall not be used by counties to enter into contracts with private entities whose primary business is the custodial confinement of adults or youth in a prison or prison-like setting.

(e) (1) The Board of State and Community Corrections shall complete and submit, no later than October 1, 2024, a report to the budget and public safety policy committees of the Legislature describing the expenditures of the Youth Programs and Facilities Grant Program, including, but not limited to, recipients and award amounts, how funding was spent, how many regional placements were supported and a detailed description of the counties that contracted to utilize the regional facility beds. The report shall also be made available to the public on the board's internet website.

(2) The report required by paragraph (1) shall be submitted in compliance with Section 9795 of the Government Code.

(f) Any costs incurred by the office in connection with the development or administration of the grant program shall be deducted from the amount appropriated before awarding any grants, not to exceed five percent of the amount appropriated.

(g) This chapter shall remain in effect only until January 1, 2026, and as of that date is repealed.

SEC. 22. *Fifty thousand dollars ($50,000) is hereby appropriated from the General Fund in the 2021–22 fiscal year to the Adult Reentry Grant administered by the Board of State and Community Corrections to support rental assistance programs.*

SEC. 23. *This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.*

~~SECTION 1.Section 789.4 of the Civil Code is amended to read:~~

~~789.4.(a)In addition to the damages provided in subdivision (c) of Section 789.3, a landlord who violates Section 789.3, if the tenant has provided a declaration of COVID-19 financial distress pursuant to Section 1179.03 of the Code of Civil Procedure, shall be liable for damages in an amount that is at least one thousand dollars ($1,000) but not more than two thousand five hundred dollars ($2,500), as determined by the trier of fact.~~

~~(b)This section shall remain in effect until July 1, 2021, and as of that date is repealed.~~

~~SEC. 2.Section 1179.04.5 of the Civil Code is amended and renumbered as Section 1179.04.5 of the Code of Civil Procedure, to read:~~

~~1179.04.5.Notwithstanding Sections 1470, 1947, and 1950 of the Civil Code, or any other law, for the duration of any tenancy that existed during the covered time period, the landlord shall not do either of the following:~~

~~(a)Apply a security deposit to satisfy COVID-19 rental debt, unless the tenant has agreed, in writing, to allow the deposit to be so applied. Nothing in this subdivision shall prohibit a landlord from applying a security deposit to satisfy COVID-19 rental debt after the tenancy ends, in accordance with Section 1950.5 of the Civil Code.~~

~~(b)Apply a monthly rental payment to any COVID-19 rental debt other than the prospective month's rent, unless the tenant has agreed, in writing, to allow the payment to be so applied.~~

~~SEC. 3.Section 1785.20.4 of the Civil Code is amended to read:~~

~~1785.20.4.A housing provider, tenant screening company, or other entity that evaluates tenants on behalf of a housing provider shall not use an alleged COVID-19 rental debt, as defined in Section 1179.02 of the Code of Civil Procedure, as a negative factor for the purpose of evaluating a prospective housing application or as the basis for refusing to rent a dwelling unit to an otherwise qualified prospective tenant.~~

~~SEC. 4.Section 1788.65 of the Civil Code is amended to read:~~

~~1788.65.(a)Notwithstanding any other law, a person shall not sell or assign any unpaid COVID-19 rental debt, as defined in Section 1179.02 of the Code of Civil Procedure, for the time period between March 1, 2020, and June 30, 2021.~~

~~(b)This section shall remain in effect until July 1, 2021, and as of that date is repealed.~~

~~SEC. 5.Section 1788.66 of the Civil Code is amended to read:~~

~~1788.66.Notwithstanding any other law, a person shall not sell or assign any unpaid COVID-19 rental debt, as defined in Section 1179.02 of the Code of Civil Procedure, for the time period between March 1, 2020, and June 30, 2021, of any person who would have qualified for rental assistance funding provided by the Secretary of the Treasury pursuant to Section 501 of Subtitle A of Title V of Division N of the federal Consolidated Appropriations Act, 2021 (Public Law 116-260), where the person's household income is at or below 80 percent of the area median income for the 2020 calendar year.~~

~~SEC. 6.Section 1942.9 of the Civil Code is amended to read:~~

~~1942.9.(a)Notwithstanding any other law, a landlord shall not, with respect to a tenant who has COVID-19 rental debt, as that term is defined in Section 1179.02 of the Code of Civil Procedure, and who has submitted a declaration of COVID-19-related financial distress, as defined in Section 1179.02 of the Code of Civil Procedure, do either of the following:~~

~~(1)Charge a tenant, or attempt to collect from a tenant, fees assessed for the late payment of that COVID-19 rental debt.~~

~~(2)Increase fees charged to the tenant or charge the tenant fees for services previously provided by the landlord without charge.~~

~~(b)Notwithstanding any other law, a landlord who temporarily reduces or makes unavailable a service or amenity as the result of compliance with federal, state, or local public health orders or guidelines shall not be considered to have violated the rental or lease agreement, nor to have provided different terms or conditions of tenancy or reduced services for purposes of any law, ordinance, rule, regulation, or initiative measure adopted by a local governmental entity that establishes a maximum amount that a landlord may charge a tenant for rent.~~

~~SEC. 7.Section 871.10 of the Code of Civil Procedure is amended to read:~~

~~871.10.(a)In any action seeking recovery of COVID-19 rental debt, as defined in Section 1179.02, the plaintiff shall, in addition to any other requirements provided by law, attach to the complaint documentation showing that the plaintiff has made a good faith effort to investigate whether governmental rental assistance is available to the tenant, seek governmental rental assistance for the tenant, or cooperate with the tenant's efforts to obtain rental assistance from any governmental entity, or other third party pursuant to paragraph (3) of subdivision (a) of Section 1947.3 of the Civil Code.~~

~~(b)Except as provided in subdivision (c), an action subject to subdivision (a), the court may reduce the damages awarded for any amount of COVID-19 rental debt, as defined in Section 1179.02, sought if the court determines that the landlord refused to obtain rental assistance from the state rental assistance program created pursuant to Chapter 17 (commencing with Section 50897) of Part 2 of Division 31 of the Health and Safety Code, if the tenant met the eligibility requirements and funding was available.~~

~~(c)Subdivision (b) shall not apply within any jurisdiction that received a direct allocation of assistance from the Secretary of the Treasury pursuant to Section 501 of Subtitle A of Title V of Division N of the federal Consolidated Appropriations Act, 2021 (Public Law 116-260) and did not accept a block grant pursuant to Section 50897.2 of the Health and Safety Code and is not subject to paragraph (5) of subdivision (a) of that section.~~

~~(d)An action to recover COVID-19 rental debt, as defined in Section 1179.02, that is subject to this section shall not be commenced before August 1, 2021.~~

~~(e)Subdivisions (a) through (d), inclusive, shall not apply to an action to recover COVID-19 rental debt, as defined in Section 1179.02, that was pending before the court as of January 29, 2021.~~

(f)Except as provided in subdivision (h), any action to recover COVID-19 rental debt, as defined in Section 1179.02, that is subject to this section and is pending before the court as of January 29, 2021, shall be stayed until August 1, 2021.

(g)This section shall not apply to any unlawful detainer action to recover possession pursuant to Section 1161.

(h)Actions for breach of contract to recover rental debt that were filed before October 1, 2020, shall not be stayed and may proceed, except that this subdivision shall not apply to actions filed against any person who would have qualified under the rental assistance funding provided through the Secretary of the Treasury pursuant to Section 501 of Subtitle A of Title V of Division N of the federal Consolidated Appropriations Act, 2021 (Public Law 116-260) and where the person's household income is at or below 80 percent of the area median income for the 2020 calendar year.

SEC. 8.Section 1179.03 of the Code of Civil Procedure is amended to read:

1179.03.(a)(1)Any notice that demands payment of COVID-19 rental debt served pursuant to subdivision (e) of Section 798.56 of the Civil Code or paragraph (2) or (3) of Section 1161 shall be modified as required by this section. A notice which does not meet the requirements of this section, regardless of when the notice was issued, shall not be sufficient to establish a cause of action for unlawful detainer or a basis for default judgment.

(2)Any case based solely on a notice that demands payment of COVID-19 rental debt served pursuant to subdivision (e) of Section 798.56 of the Civil Code or paragraph (2) or (3) of Section 1161 may be dismissed if the notice does not meet the requirements of this section, regardless of when the notice was issued.

(3)Notwithstanding paragraphs (1) and (2), this section shall have no effect if the landlord lawfully regained possession of the property or obtained a judgment for possession of the property before the operative date of this section.

(b)If the notice demands payment of rent that came due during the protected time period, as defined in Section 1179.02, the notice shall comply with all of the following:

(1)The time period in which the tenant may pay the amount due or deliver possession of the property shall be no shorter than 15 days, excluding Saturdays, Sundays, and other judicial holidays.

(2)The notice shall set forth the amount of rent demanded and the date each amount became due.

(3)The notice shall advise the tenant that the tenant cannot be evicted for failure to comply with the notice if the tenant delivers a signed declaration of COVID-19-related financial distress to the landlord on or before the date that the notice to pay rent or quit or notice to perform covenants or quit expires, by any of the methods specified in subdivision (f).

(4)The notice shall include the following text in at least 12-point font:

"NOTICE FROM THE STATE OF CALIFORNIA: If you are unable to pay the amount demanded in this notice, and have decreased income or increased expenses due to COVID-19, your landlord will not be able to evict you for this missed payment if you sign and deliver the declaration form included with your notice to your landlord within 15 days, excluding Saturdays, Sundays, and other judicial holidays, but you will still owe this money to your landlord. If you do not sign and deliver the declaration within this time period, you may lose the eviction protections available to you. You must return this form to be protected. You should keep a copy or picture of the signed form for your records.

You will still owe this money to your landlord and can be sued for the money, but you cannot be evicted from your home if you comply with these requirements. You should keep careful track of what you have paid and any amount you still owe to protect your rights and avoid future disputes. Failure to respond to this notice may result in an unlawful detainer action (eviction) being filed against you.

For information about legal resources that may be available to you, visit lawhelpca.org."

(c)If the notice demands payment of rent that came due during the transition time period, as defined in Section 1179.02, the notice shall comply with all of the following:

(1)The time period in which the tenant may pay the amount due or deliver possession of the property shall be no shorter than 15 days, excluding Saturdays, Sundays, and other judicial holidays.

(2)The notice shall set forth the amount of rent demanded and the date each amount became due.

(3)The notice shall advise the tenant that the tenant will not be evicted for failure to comply with the notice, except as allowed by this chapter, if the tenant delivers a signed declaration of COVID-19-related financial distress to the landlord on or before the date the notice to pay rent or quit or notice to perform covenants or quit expires, by any of the methods specified in subdivision (f).

(4) For notices served before February 1, 2021, the notice shall include the following text in at least 12-point type:

"NOTICE FROM THE STATE OF CALIFORNIA: If you are unable to pay the amount demanded in this notice, and have decreased income or increased expenses due to COVID-19, you may sign and deliver the declaration form included with your notice to your landlord within 15 days, excluding Saturdays, Sundays, and other judicial holidays, and your landlord will not be able to evict you for this missed payment so long as you make the minimum payment (see below). You will still owe this money to your landlord. You should keep a copy or picture of the signed form for your records.

If you provide the declaration form to your landlord as described above AND, on or before January 31, 2021, you pay an amount that equals at least 25 percent of each rental payment that came due or will come due during the period between September 1, 2020, and January 31, 2021, that you were unable to pay as a result of decreased income or increased expenses due to COVID-19, your landlord cannot evict you. Your landlord may require you to submit a new declaration form for each rental payment that you do not pay that comes due between September 1, 2020, and January 31, 2021.

For example, if you provided a declaration form to your landlord regarding your decreased income or increased expenses due to COVID-19 that prevented you from making your rental payment in September and October of 2020, your landlord could not evict you if, on or before January 31, 2021, you made a payment equal to 25 percent of September's and October's rental payment (i.e., half a month's rent). If you were unable to pay any of the rental payments that came due between September 1, 2020, and January 31, 2021, and you provided your landlord with the declarations in response to each 15-day notice your landlord sent to you during that time period, your landlord could not evict you if, on or before January 31, 2021, you paid your landlord an amount equal to 25 percent of all the rental payments due from September through January (i.e., one and a quarter month's rent).

You will still owe the full amount of the rent to your landlord, but you cannot be evicted from your home if you comply with these requirements. You should keep careful track of what you have paid and any amount you still owe to protect your rights and avoid future disputes. Failure to respond to this notice may result in an unlawful detainer action (eviction) being filed against you.

For information about legal resources that may be available to you, visit lawhelpca.org."

(5)For notices served on or after February 1, 2021, the notice shall include the following text in at least 12-point type:

"NOTICE FROM THE STATE OF CALIFORNIA: If you are unable to pay the amount demanded in this notice, and have decreased income or increased expenses due to COVID-19, you may sign and deliver the declaration form included with your notice to your landlord within 15 days, excluding Saturdays, Sundays, and other judicial holidays, and your landlord will not be able to evict you for this missed payment so long as you make the minimum payment (see below). You will still owe this money to your landlord. You should keep a copy or picture of the signed form for your records.

If you provide the declaration form to your landlord as described above AND, on or before June 30, 2021, you pay an amount that equals at least 25 percent of each rental payment that came due or will come due during the period between September 1, 2020, and June 30, 2021, that you were unable to pay as a result of decreased income or increased expenses due to COVID-19, your landlord cannot evict you. Your landlord may require you to submit a new declaration form for each rental payment that you do not pay that comes due between September 1, 2020, and June 30, 2021.

If you were unable to pay any of the rental payments that came due between September 1, 2020, and June 30, 2021, and you provided your landlord with the declarations in response to each 15-day notice your landlord sent to you during that time period, your landlord could not evict you if, on or before June 30, 2021, you paid your landlord an amount equal to 25 percent of all the rental payments due from September 2020 through June 2021.

You will still owe the full amount of the rent to your landlord, but you cannot be evicted from your home if you comply with these requirements. You should keep careful track of what you have paid and any amount you still

owe to protect your rights and avoid future disputes. Failure to respond to this notice may result in an unlawful detainer action (eviction) being filed against you.

YOU MAY QUALIFY FOR RENTAL ASSISTANCE. In addition to extending these eviction protections, the State of California, in partnership with federal and local governments, has created an emergency rental assistance program to assist renters who have been unable to pay their rent and utility bills as a result of the COVID-19 pandemic. This program may be able to help you get caught up with past-due rent. Additionally, depending on the availability of funds, the program may also be able to assist you with making future rental payments.

While not everyone will qualify for this assistance, you can apply for it regardless of your citizenship or immigration status. There is no charge to apply for or receive this assistance.

Additional information about the extension of the COVID-19 Tenant Relief Act and new state or local rental assistance programs, including more information about how to qualify for assistance, can be found by visiting http://housingiskey.com or by calling 1-833-422-4255."

(d)An unsigned copy of a declaration of COVID-19-related financial distress shall accompany each notice delivered to a tenant to which subdivision (b) or (c) is applicable. If the landlord was required, pursuant to Section 1632 of the Civil Code, to provide a translation of the rental contract or agreement in the language in which the contract or agreement was negotiated, the landlord shall also provide the unsigned copy of a declaration of COVID-19-related financial distress to the tenant in the language in which the contract or agreement was negotiated. The Department of Real Estate shall make available an official translation of the text required by paragraph (4) of subdivision (b), paragraph (4) of subdivision (c), and paragraph (5) of subdivision (c) in the languages specified in Section 1632 of the Civil Code by no later than February 15, 2021.

(e)If a tenant owes a COVID-19 rental debt to which both subdivisions (b) and (c) apply, the landlord shall serve two separate notices that comply with subdivisions (b) and (c), respectively.

(f)A tenant may deliver the declaration of COVID-19-related financial distress to the landlord by any of the following methods:

(1)In person, if the landlord indicates in the notice an address at which the declaration may be delivered in person.

(2)By electronic transmission, if the landlord indicates an email address in the notice to which the declaration may be delivered.

(3)Through United States mail to the address indicated by the landlord in the notice. If the landlord does not provide an address pursuant to subparagraph (1), then it shall be conclusively presumed that upon the mailing of the declaration by the tenant to the address provided by the landlord, the declaration is deemed received by the landlord on the date posted, if the tenant can show proof of mailing to the address provided by the landlord.

(4)Through any of the same methods that the tenant can use to deliver the payment pursuant to the notice if delivery of the declaration by that method is possible.

(g)Except as provided in Section 1179.02.5, the following shall apply to a tenant who, within 15 days of service of the notice specified in subdivision (b) or (c), excluding Saturdays, Sundays, and other judicial holidays, demanding payment of COVID-19 rental debt delivers a declaration of COVID-19-related financial distress to the landlord by any of the methods provided in subdivision (f):

(1)With respect to a notice served pursuant to subdivision (b), the tenant shall not then or thereafter be deemed to be in default with regard to that COVID-19 rental debt for purposes of subdivision (e) of Section 798.56 of the Civil Code or paragraphs (2) and (3) of Section 1161.

(2)With respect to a notice served pursuant to subdivision (c), the following shall apply:

(A)Except as provided by subparagraph (B), the landlord may not initiate an unlawful detainer action before July 1, 2021.

(B)A tenant shall not be guilty of unlawful detainer, now or in the future, based upon nonpayment of COVID-19 rental debt that came due during the transition period if, on or before June 30, 2021, the tenant tenders one or more payments that, when taken together, are of an amount equal to or not less than 25 percent of each transition period rental payment demanded in one or more notices served pursuant to subsection (c) and for

which the tenant complied with this subdivision by timely delivering a declaration of COVID-19-related financial distress to the landlord.

(h)(1)(A)Within the time prescribed in Section 1167, a tenant shall be permitted to file a signed declaration of COVID-19-related financial distress with the court.

(B)If the tenant files a signed declaration of COVID-19-related financial distress with the court pursuant to this subdivision, the court shall dismiss the case, pursuant to paragraph (2), if the court finds, after a noticed hearing on the matter, that the tenant's failure to return a declaration of COVID-19-related financial distress within the time required by subdivision (g) was the result of mistake, inadvertence, surprise, or excusable neglect, as those terms have been interpreted under subdivision (b) of Section 473.

(C)The noticed hearing required by this paragraph shall be held with not less than five days' notice and not more than 10 days' notice, to be given by the court, and may be held separately or in conjunction with any regularly noticed hearing in the case, other than a trial.

(2)If the court dismisses the case pursuant to paragraph (1), that dismissal shall be without prejudice as follows:

(A)If the case was based in whole or in part upon a notice served pursuant to subdivision (b), the court shall dismiss any cause of action based on the notice served pursuant to subdivision (b).

(B)Before July 1, 2021, if the case is based in whole or in part on a notice served pursuant to subdivision (c), the court shall dismiss any cause of action based on the notice served pursuant to subdivision (c).

(C)On or after July 1, 2021, if the case is based in whole or in part on a notice served pursuant to subdivision (c), the court shall dismiss any cause of action based upon the notice served pursuant to subdivision (c) if the tenant, within five days of the court's order to do so, makes the payment required by subparagraph (B) of paragraph (2) of subdivision (g), provided that if the fifth day falls on a Saturday, Sunday, or judicial holiday the last day to pay shall be extended to the next court day.

(3)If the court dismisses the case pursuant to this subdivision, the tenant shall not be considered the prevailing party for purposes of Section 1032, any attorney's fee provision appearing in contract or statute, or any other law.

(i)Notwithstanding any other law, a notice which is served pursuant to subdivision (b) or (c) that complies with the requirements of this chapter and subdivision (e) of Section 798.56 of the Civil Code or paragraphs (2) and (3) of Section 1161, as applicable, need not include specific language required by any ordinance, resolution, regulation, or administrative action adopted by a city, county, or city and county.

SEC. 9.Section 1179.05 of the Code of Civil Procedure is amended to read:

1179.05.(a)Any ordinance, resolution, regulation, or administrative action adopted by a city, county, or city and county in response to the COVID-19 pandemic to protect tenants from eviction is subject to all of the following:

(1)Any extension, expansion, renewal, reenactment, or new adoption of a measure, however delineated, that occurs between August 19, 2020, and June 30, 2021, shall have no effect before July 1, 2021.

(2)Any provision which allows a tenant a specified period of time in which to repay COVID-19 rental debt shall be subject to all of the following:

(A)If the provision in effect on August 19, 2020, required the repayment period to commence on a specific date on or before August 1, 2021, any extension of that date made after August 19, 2020, shall have no effect.

(B)If the provision in effect on August 19, 2020, required the repayment period to commence on a specific date after August 1, 2021, or conditioned commencement of the repayment period on the termination of a proclamation of state of emergency or local emergency, the repayment period is deemed to begin on August 1, 2021.

(C)The specified period of time during which a tenant is permitted to repay COVID-19 rental debt may not extend beyond the period that was in effect on August 19, 2020. In addition, a provision may not permit a tenant a period of time that extends beyond August 31, 2022, to repay COVID-19 rental debt.

(b)This section does not alter a city, county, or city and county's authority to extend, expand, renew, reenact, or newly adopt an ordinance that requires just cause for termination of a residential tenancy or amend existing ordinances that require just cause for termination of a residential tenancy, consistent with subdivision (g) of

~~Section 1946.2, provided that a provision enacted or amended after August 19, 2020, shall not apply to rental payments that came due between March 1, 2020, and June 30, 2021.~~

~~(c)The one-year limitation provided in subdivision (2) of Section 1161 is tolled during any time period that a landlord is or was prohibited by any ordinance, resolution, regulation, or administrative action adopted by a city, county, or city and county in response to the COVID-19 pandemic to protect tenants from eviction based on nonpayment of rental payments from serving a notice that demands payment of COVID-19 rental debt pursuant to subdivision (e) of Section 798.56 of the Civil Code or paragraph (2) of Section 1161.~~

~~(d)It is the intent of the Legislature that this section be applied retroactively to August 19, 2020.~~

~~(e)The Legislature finds and declares that this section addresses a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this section applies to all cities, including charter cities.~~

~~(f)It is the intent of the Legislature that the purpose of this section is to protect individuals negatively impacted by the COVID-19 pandemic, and that this section does not provide the Legislature's understanding of the legal validity on any specific ordinance, resolution, regulation, or administrative action adopted by a city, county, or city and county in response to the COVID-19 pandemic to protect tenants from eviction.~~

~~SEC. 10.Section 50897.1 of the Health and Safety Code is amended to read:~~

~~50897.1.(a)(1)Funds available for rental assistance pursuant to this chapter shall consist of state rental assistance funds made available pursuant to Subtitle A of Title V of Division N of the federal Consolidated Appropriations Act, 2021 (Public Law 116-260) and shall be administered by the department in accordance with this chapter and applicable federal law.~~

~~(2)Each locality described in Section 50987.2 shall receive an allocation of rental assistance funds, calculated in accordance with the state reservation table.~~

~~(3)Except as otherwise provided in this chapter, funds available for rental assistance administered pursuant to Section 50897.3 shall consist of state rental assistance funds calculated pursuant to the state reservation table.~~

~~(b)Funds provided for and administered pursuant to this chapter shall be used in a manner consistent with federal law, including the prioritization of assistance specified in Section 501(c)(4) of Subtitle A of Title V of Division N of the federal Consolidated Appropriations Act, 2021 (Public Law 116-260). In addition, in providing assistance pursuant to this chapter, the department and, if applicable, the program implementer shall prioritize communities disproportionately impacted by COVID-19, as determined by the department. State prioritization shall be as follows:~~

~~(1)Round one priority shall be eligible households, as specified in Section 501(c)(4) of Subtitle A of Title V of Division N of the federal Consolidated Appropriations Act, 2021 (Public Law 116-260), to expressly target assistance for eligible households with a household income that is not more than 50 percent of the area median income.~~

~~(2)Round two priority shall be communities disproportionately impacted by COVID-19, as determined by the department.~~

~~(3)Round three priority shall be eligible households that are not otherwise prioritized as described in paragraphs (1) and (2), to expressly include eligible households with a household income that is not more than 80 percent of the area median income.~~

~~(c)(1)Except as otherwise provided in paragraph (2), eligible uses for funds made available to a grantee under this chapter shall be as follows:~~

~~(A)Rental arrears.~~

~~(B)Prospective rent payments.~~

~~(C)Utilities, including arrears and prospective payments for utilities.~~

~~(D)Any other expenses related to housing as provided in Section 501(c)(2)(A) of Subtitle A of Title V of Division N of the federal Consolidated Appropriations Act, 2021 (Public Law 116-260).~~

~~(2)For purposes of stabilizing households and preventing evictions, rental arrears shall be given priority for purposes of providing rental assistance pursuant to this chapter.~~

~~(3)Remaining funds not used as described in paragraph (2) may be used for any eligible use described in subparagraphs (B), (C), and (D) of paragraph (1).~~

~~(d)A grantee may provide payment of rental arrears directly to a landlord on behalf of an eligible household by entering into an agreement with the landlord, subject to both of the following:~~

~~(1)Assistance for rental arrears shall be set at compensation of 80 percent of an eligible household's unpaid rental debt accumulated from April 1, 2020, to March 31, 2021, inclusive, per eligible household.~~

~~(2)(A)Acceptance of a payment made pursuant to this subdivision shall be conditioned on the landlord's agreement to accept the payment as payment in full of the rental debt owed by any tenant within the eligible household for whom rental assistance is being provided for the specified time period. The landlord's release of claims pursuant to this subparagraph shall take effect only upon payment being made to the landlord pursuant to this subdivision.~~

~~(B)The landlord's agreement to accept payment pursuant to this subdivision as payment in full, as provided in subparagraph (A), shall include the landlord's agreement to release any and all claims for nonpayment of rental debt owed for the specified time period, including a claim for unlawful detainer pursuant to paragraph (2) and (3) of Section 1161 of the Code of Civil Procedure, against any tenant within the eligible household for whom the rental assistance is being provided.~~

~~(e)If a landlord refuses to participate in a rental assistance program for the payment of rental arrears, as described in subdivision (d), a member of an eligible household may apply for rental arrears assistance from the grantee. Assistance for rental arrears pursuant to this subdivision shall be limited to compensation of 25 percent of the eligible household's unpaid rental debt accumulated from April 1, 2020, to March 31, 2021, inclusive.~~

~~(f)Funds used to provide assistance for prospective rent payments for an eligible household shall not exceed 25 percent of the eligible household's monthly rent.~~

~~(g)An eligible household that receives assistance pursuant to subdivision (e) shall receive priority in providing assistance for the eligible uses specified in subparagraphs (B), (C), and (D) of paragraph (1) of subdivision (c).~~

~~(h)Assistance provided under this chapter shall be provided to eligible households or, where applicable, to landlords on behalf of eligible households that are currently housed and occupying the residential unit for which the assistance is requested at the time of the application.~~

~~(i)For purposes of the protections against housing discrimination provided under the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), assistance provided under this chapter shall be deemed to be a "source of income," as that term is defined in subdivision (i) of Section 12927 of the Government Code.~~

~~(j)(1)Notwithstanding any other law, except as otherwise provided in subdivision (i), assistance provided to an eligible household for a payment as provided in this chapter or as provided as a direct allocation to grantees from the Secretary of the Treasury pursuant to Subtitle A of Title V of Division N of the federal Consolidated Appropriations Act, 2021 (Public Law 116-260) shall not be deemed to be income for purposes of the Personal Income Tax Law (Part 10 (commencing with Section 17001) of Division 2 of the Revenue and Taxation Code) or used to determine the eligibility of an eligible household, or any member of an eligible household, for any state program or local program financed wholly or in part by state funds.~~

~~(2)Notwithstanding any other law, for taxable years beginning on or after January 1, 2020, and before January 1, 2025, gross income shall not include a tenant's rent liability that is forgiven by a landlord as provided in this chapter or as rent forgiveness provided through funds grantees received as a direct allocation from the Secretary of the Treasury pursuant to Subtitle A of Title V of Division N of the federal Consolidated Appropriations Act, 2021 (Public Law 116-260).~~

~~(k)The department may adopt, amend, and repeal rules, guidelines, or procedures necessary to carry out the purposes of this chapter, including guidelines regarding the administration of federal rental assistance funds received under Subtitle A of Title V of Division N of the federal Consolidated Appropriations Act, 2021 (Public Law 116-260) that are consistent with the requirements of that federal law and any regulations promulgated pursuant to that federal law. The adoption, amendment, or repeal of rules, guidelines, or procedures authorized by this subdivision is hereby exempted from the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).~~

(l)Any interest that the state, a locality, or, if applicable, the program implementer derives from the deposit of funds made available pursuant to this chapter or pursuant to subdivision (e) of Section 925.6 of the Government Code shall be used to provide additional assistance under this chapter.

(m)Upon notification from the Director of Finance to the Joint Legislative Budget Committee that additional federal rental assistance resources have been obtained, that assistance may be deployed in a manner consistent with this chapter. Any statutory provision established by subsequent federal law specific to the administration of those additional resources shall supersede the provisions contained in this chapter to the extent that there is a conflict between those federal statutory provisions and this chapter. Consistent with the authority provided in subdivision (l), to implement future federal rental assistance, the department shall make corresponding programmatic changes to effectuate the program in compliance with federal law.

(n)Notwithstanding any other law, a third party shall be prohibited from receiving compensation for services provided to an eligible household in applying for or receiving assistance under this chapter, except that this prohibition shall not apply to any contracted entity that renders those services upon the express authorization by the department, the program implementer, or a locality.

(o)Assistance provided under this chapter shall include a receipt that provides confirmation of payment or forgiveness, or both payment and forgiveness, as applicable, that has been made. The receipt shall be provided to both the eligible household and the landlord.

(p)For purposes of this section:

(1)"Rental debt" includes rent, fees, interest, or any other financial obligation under a lease for use and occupancy of the leased premises, but does not include liability for torts or damage to the property beyond ordinary wear and tear.

(2)"Specified time period" means the period of time for which payment is provided, as specified in the agreement entered into with the landlord.

SEC. 11.Section 50897.3 of the Health and Safety Code is amended to read:

50897.3.(a)(1)(A)The department may contract with a vendor to serve as the program implementer to manage and fund services and distribute emergency rental assistance resources pursuant to this section. A vendor selected to serve as program implementer shall demonstrate sufficient capacity and experience to administer a program of this scope and scale.

(B)The program implementer shall have existing relationships with community-level partners to ensure all regional geographies and target communities throughout the state have access to the program.

(C)(i)The program implementer shall have the technological capacity to develop and to implement a central technology-driven application portal and system that serves landlords and tenants, has mobile and multilanguage capabilities, and allows an applicant track the status of their application. The application system shall have the capacity to handle the volume of expected use without disruption.

(ii)The system shall begin accepting applications no later than March 15, 2021 and be available 24 hours a day, seven days a week, with 99 percent planned uptime rating.

(iii)The system shall support, at minimum, a database of 1,000,000 application records.

(iv)The system shall support at minimum 20,000 concurrent full-access users, allowing users to create, read, update and delete transactions based upon their user role.

(D)(i)The program implementer shall demonstrate experience with developing and managing direct payment or grant programs, or direct payment and grant programs, including, but not limited to, program and application development, outreach and marketing, translation and interpretation, fraud protections and approval processes, secure disbursement, prioritizing the use of direct deposit, customer service, compliance, and reporting.

(ii)The program interface shall include, but not be limited to, the following:

(I)Capability such that either the landlord or the tenant may initiate an application for assistance and that both parties are made aware of the opportunity to participate in the rental assistance program and accept the program parameters.

(II)Appropriate notifications to ensure that both parties understand that rental assistance is awarded in rounds of funding based on eligibility and that the eligible household is reminded that payment is ultimately being provided directly to the landlord, but the payment will directly address the eligible household's rental arrears or prospective rent, as applicable.

(III)Notification to both parties, including the landlord and the eligible household, respectively, of the initiation and completion of the application process, whether the process is initiated by the landlord or the eligible household. Upon payment, the program implementer shall provide an electronic record that payment has been made and keep all records available for the duration of the program, or as otherwise provided under state or federal law.

(E)The program implementer shall be able to manage a technology-driven duplication of benefits process in compliance with federal law.

(F)The program implementer shall comply with all state protections related to the use of personally identifiable information, including providing any necessary disclosures and assuring the secure storage of any personally identifiable information generated, as part of the application process.

(G)The program implementer shall coordinate its program activities with education and outreach contractors and any affiliated service or technical assistance providers, including those that reach non-English speaking and hard-to-reach households, with considerations for racial equity and traditionally underserved populations.

(2)The department may establish a contract with one or more education and outreach contractors to conduct a multilingual statewide campaign to promote program participation and accessibility.

(3)In accordance with paragraphs (1) and (2), the department shall seek contracted solutions that minimize total administrative costs, such that savings may be reallocated for use as direct assistance.

(4)The department may receive rental assistance program funding from localities or federally recognized tribes to administer on their behalf in a manner consistent with this chapter.

(b)(1)(A)A county with a population less than or equal to 200,000 and any locality that is eligible for, but did not receive, a direct allocation of assistance from the Secretary of the Treasury pursuant to Section 501 of Subtitle A of Title V of Division N of the federal Consolidated Appropriations Act, 2021 (Public Law 116-260) shall receive assistance pursuant to the state reservation table, to be administered in accordance with this section.

(B)A locality that was eligible for, but did not receive, a direct allocation of assistance from the Secretary of the Treasury pursuant to Section 501 of Subtitle A of Title V of Division N of the federal Consolidated Appropriations Act, 2021 (Public Law 116-260) and was eligible for, but did not receive, block grant assistance under Section 50897.2 shall receive its proportionate share of assistance, as determined by the state reservation table, to be administered in accordance with this section.

(2)(A)A locality that was eligible for, but did not receive, block grant funds pursuant to Section 50897.2, and has elected to administer its direct share of assistance provided under Subtitle A of Title V of Division N of the federal Consolidated Appropriations Act, 2021 (Public Law 116-260), shall have its proportionate share of block grant funds administered pursuant to this section.

(B)To minimize legal liability and potential noncompliance with federal law, specifically those violations described in Section 501(k)(3)(B) of Subtitle A of Title V of Division N of the federal Consolidated Appropriations Act, 2021 (Public Law 116-260), the department, or, if applicable, the program implementer, may request that localities described in this paragraph enter into a data sharing agreement for the purpose of preventing unlawful duplication of rental assistance to eligible households. Notwithstanding any other law, localities that enter into a data sharing agreement as required by this subparagraph may disclose personally identifying information of rental assistance applicants to the department or the program implementer for the purposes described in this subparagraph.

(C)Except as otherwise provided in subparagraph (B), a locality that is subject to assistance provided under this paragraph and received a direct allocation from the Secretary of the Treasury pursuant to Subtitle A of Title V of Division N of the federal Consolidated Appropriations Act, 2021 (Public Law 116-260) shall not be eligible for administrative and technical assistance provided by the department, including, but not limited to, support for long-term monitoring and reporting.

(D)The state, the department, or the program implementer acting on behalf of the department, shall be indemnified from liability in the administration of assistance pursuant to this paragraph, specifically any violation

~~described in Section 501(k)(3)(B) of Subtitle A of Title V of Division N of the federal Consolidated Appropriations Act, 2021 (Public Law 116-260).~~

~~(3)To the extent permitted by federal law, a locality that elects to participate in the program as provided in this section, and that received rental assistance funding directly from the Secretary of the Treasury pursuant to Subtitle A of Title V of Division N of the federal Consolidated Appropriations Act, 2021 (Public Law 116-260), shall add those funds received directly from the Secretary of the Treasury and any share of rental assistance funding provided pursuant to Section 50897.2 to the funds allocated to it pursuant to this section. Except as otherwise provided in paragraph (1) of subdivision (d), the total amount of funds described in this subparagraph shall be used by the grantee in accordance with this section. Participation shall be conditioned upon having an executed standard agreement with the Department.~~

~~(4)To the extent permitted by federal law, a federally recognized tribe that receives rental assistance funds directly from the Secretary of the Treasury pursuant to Subtitle A of Title V of Division N of the federal Consolidated Appropriations Act, 2021 (Public Law 116-260) may add its direct federal allocation of funds to be administered pursuant to this section. Participation shall be conditioned upon having an executed standard agreement with the department.~~

~~(5)The department may establish additional funding targets within the reservation pool to support an equitable distribution that targets eligible households most impacted by COVID-19.~~

~~(c)Funds allocated pursuant to this section shall be used for those eligible uses specified in, and subject to the applicable requirements of, Section 50897.1.~~

~~(d)(1)Except as otherwise provided in paragraph (3), a grantee that receives funds pursuant to this section shall contractually obligate those funds no later than July 31, 2021. The department may, in its discretion, reallocate any funds allocated to a grantee that are not contractually obligated by that date to other grantees participating in the program that have expended at least 50 percent of their reservation pools or have an oversubscribed application list for rental assistance.~~

~~(2)In reallocating funds pursuant to this subdivision, the department or, if applicable, the program implementer acting on behalf of the department shall prioritize reallocating those unused funds to provide financial assistance for rental arrears accumulated on or after April 1, 2020, and before the expiration of the program.~~

~~(3)Funds administered on behalf of a federally recognized tribe as provided in paragraph (4) of subdivision (b) are not subject to the requirements of this subdivision.~~

~~(e)(1)In any legal action to recover rent or other financial obligations under the lease that accrued between April 1, 2020, and June 30, 2021, before entry of any judgment in the plaintiff's favor, the plaintiff shall verify both of the following under penalty of perjury:~~

~~(A)The landlord has not received rental assistance or other financial compensation from any other source corresponding to the amount claimed.~~

~~(B)The landlord does not have any pending application for rental assistance or other financial compensation from any other source corresponding to the amount claimed.~~

~~(2)In any unlawful detainer action seeking possession of residential rental property based on nonpayment of rent or any other financial obligation under the lease, the court shall not enter a judgment in favor of the landlord unless the landlord verifies all of the following under penalty of perjury:~~

~~(A)That the landlord has not received rental assistance or other financial compensation from any other source corresponding to the amount demanded in the notice underlying the complaint.~~

~~(B)That the landlord has not received rental assistance or other financial compensation from any other source for rent accruing after the date of the notice underlying the complaint.~~

~~(C)That the landlord does not have any pending application for rental assistance or other financial compensation from any other source corresponding to the amount demanded in the notice underlying the complaint.~~

~~(D)That the landlord does not have any pending application for rental assistance or other financial compensation from any other sources for rent accruing after the date of the notice underlying the complaint.~~

~~(f)Notwithstanding any other state or local law, policy, or ordinance, for purposes of ensuring the timely implementation of resources pursuant to this section, a locality that has a population greater than 200,000 may~~

~~enter into an agreement with the department to have its share of funds administered pursuant to this section by the department and may redirect those funds to the department for that purpose.~~

~~SEC. 12.Section 4003 of the Unemployment Insurance Code is amended to read:~~

~~4003.(a)The provisions and definitions of terms in the Federal-State Extended Unemployment Compensation Act of 1970, as amended by the federal Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35), apply to this part. "Federal-state extended benefits" means benefits payable under this part.~~

~~(b)(1)To the extent that the provisions and definitions of terms in the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) are in effect in federal law and are in conflict with, or supplement the provisions and definitions applicable pursuant to subdivision (a), the provisions and definitions of the American Recovery and Reinvestment Act of 2009 shall apply to this part.~~

~~(2)To the extent that the provisions and definitions of terms in the federal Families First Coronavirus Response Act (Public Law 116-127) are in effect in federal law and are in conflict with, or supplement the provisions and definitions applicable pursuant to, subdivision (a), the provisions and definitions of the federal Families First Coronavirus Response Act shall apply to this part.~~

~~(c)There is an "on" indicator for purposes of federal-state extended benefits for a week if one of the following applies:~~

~~(1)The rate of insured unemployment under this part for the period consisting of that week and the 12 weeks immediately preceding the week equaled or exceeded 120 percent of the average of the rates for the corresponding 13-week period ending in each of the preceding two calendar years, and equaled or exceeded 5 percent.~~

~~(2)The rate of insured unemployment under this part for the period consisting of that week and the 12 weeks immediately preceding the week equaled or exceeded 6 percent, regardless of the rate of insured unemployment in the two previous years.~~

~~(3)With respect to weeks of unemployment beginning on or after February 1, 2009, and continuing until the week ending four weeks prior to the last week for which 100 percent federal sharing is authorized by subdivision (a) of Section 2005 of Public Law 111-5 for all claims, except for reimbursable entities described in Section 3306(c)(7) of the Internal Revenue Code, both of the following apply:~~

~~(A)The average rate of total unemployment in this state, seasonally adjusted, as determined by the United States Secretary of Labor, for the period consisting of the most recent three months for which data for all states are published before the close of that week, equals or exceeds 6.5 percent.~~

~~(B)The average rate of total unemployment in this state, seasonally adjusted, as determined by the United States Secretary of Labor, for the three-month period referred to in subparagraph (A) equals or exceeds 110 percent of that average rate of total unemployment for either or both of the corresponding three-month periods ending in the two preceding calendar years.~~

~~(4)With respect to weeks of unemployment beginning on or after March 18, 2020, and continuing until the week ending four weeks prior to the last week for which 100 percent federal sharing is authorized by the federal Families First Coronavirus Response Act (Public Law 116-127), which shall be interpreted to retroactively include any subsequent extension of the last week for which 100 percent of federal sharing is authorized under that act and shall take effect as if the amendment extending full federal funding was enacted as part of that act, or for weeks of unemployment ending four weeks prior to the last week for which Congress, pursuant to any future legislation, has authorized 100 percent federal sharing, for all claims, except for reimbursable entities described in Section 3306(c)(7) of the Internal Revenue Code as that section read as of the operative of date of the act adding this paragraph, both of the following apply:~~

~~(A)The average rate of total unemployment in this state, seasonally adjusted, as determined by the United States Secretary of Labor, for the period consisting of the most recent three months for which data for all states are published before the close of that week, equals or exceeds 6.5 percent.~~

~~(B)The average rate of total unemployment in this state, seasonally adjusted, as determined by the United States Secretary of Labor, for the three-month period referred to in subparagraph (A) equals or exceeds 110 percent of that average rate of total unemployment for either or both of the corresponding three-month periods ending in the two preceding calendar years.~~

~~(d)There is an "off" indicator for a week if, for the period consisting of that week, and the 12 weeks immediately preceding the week, none of the criteria specified in subdivision (c) results in an "on" indicator.~~

~~(e)For purposes of this section, the rate of insured unemployment for a 13-week period shall be determined by reference to the average monthly covered employment for the first four of the most recent six calendar quarters ending before the close of the period.~~

~~(f)The indicators specified in subdivisions (c) and (d) shall be operative only if mandated or permitted by federal law.~~

~~(g)Notwithstanding any other provision of this part, the Governor may, if permitted by federal law, suspend the payment of extended duration benefits under this part, to the extent necessary to ensure that otherwise eligible individuals are not denied, in whole or in part, the receipt of emergency unemployment compensation benefits authorized by the federal Supplemental Appropriations Act of 2008 (Public Law 110-252), the Unemployment Compensation Extension Act of 2008 (Public Law 110-449), and the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), and that the state receives maximum reimbursement from the federal government for the payment of those emergency benefits.~~

~~(h)Notwithstanding the provisions of subdivision (c), with respect to weeks of unemployment beginning on or after December 19, 2010, and continuing until the earlier of the date authorized by Section 502(b) of Public Law 111-312, or the week ending four weeks prior to the last week for which 100 percent federal sharing is authorized by Section 2005(a) of Public Law 111-5 for all claims, except for reimbursable entities described in Section 3306(c)(7) of the Internal Revenue Code, the following applies:~~

~~(1)There is an "on" indicator for purposes of federal-state extended benefits for a week if one of the following applies:~~

~~(A)The rate of insured unemployment under this part for the period consisting of that week and the 12 weeks immediately preceding the week equaled or exceeded 120 percent of the average of the rates for the corresponding 13-week period ending in each of the preceding three calendar years, and equaled or exceeded 5 percent.~~

~~(B)The rate of insured unemployment under this part for the period consisting of that week and the 12 weeks immediately preceding the week equaled or exceeded 6 percent, regardless of the rate of insured unemployment in the three previous years.~~

~~(C)The average rate of total unemployment in this state, seasonally adjusted, as determined by the United States Secretary of Labor, for the period consisting of the most recent three months for which data for all states are published before the close of that week, equals or exceeds 6.5 percent and the average rate of total unemployment in this state, seasonally adjusted, as determined by the United States Secretary of Labor, for the three-month period equals or exceeds 110 percent of that average rate of total unemployment for any or all of the corresponding three-month periods ending in the three preceding calendar years.~~

~~(2)There is an "off" indicator for a week if, for the period consisting of that week, and the 12 weeks immediately preceding the week, none of the criteria specified in paragraph (1) results in an "on" indicator.~~

~~(3)The indicators specified in paragraphs (1) and (2) shall be operative only if mandated or permitted by federal law.~~

~~(i)(1)Notwithstanding any other provision of this part, with respect to whether the state is in an extended benefit period beginning on November 1, 2020, through December 31, 2021, as permitted by the Continued Assistance for Unemployed Workers Act of 2020, the requirement in the Federal-State Extended Unemployment Compensation Act of 1970 that no extended benefit period may begin prior to the 14th week following the end of a prior extended benefit period which was in effect shall not apply.~~

~~(2)Notwithstanding any other provision of this part, when authorized by federal law to temporarily waive the "off" period, the requirement in the Federal-State Extended Unemployment Compensation Act of 1970 that no extended benefit period may begin prior to the 14th week following the end of a prior extended benefit period which was in effect shall not apply.~~

~~SEC. 13.Section 11157 of the Welfare and Institutions Code is amended to read:~~

~~11157.(a)Notwithstanding Section 11008, all lump-sum income received by an applicant or recipient shall be regarded as income in the month received, except nonrecurring lump-sum social insurance payments, which~~

~~shall include social security income, railroad retirement benefits, veteran's benefits, workers' compensation, and disability insurance.~~

~~(b)Except as otherwise provided in this part, for purposes of this chapter and Chapter 2 (commencing with Section 11200), "income" shall be deemed to be the same as applied under the Aid to Families with Dependent Children program on August 21, 1996, except that the following are exempt from consideration as income:~~

~~(1)Income that is received too infrequently to be reasonably anticipated, as exempted in federal Supplemental Nutrition Assistance Program (SNAP) regulations.~~

~~(2)Income from a college work-study program under Title IV of the federal Higher Education Act or Article 18 (commencing with Section 69950) of Chapter 2 of Part 42 of Division 5 of Title 3 of the Education Code or college work-study program, as established in the annual Budget Act, for individuals receiving aid under Chapter 2 (commencing with Section 11200).~~

~~(3)(A)Except as provided for in subparagraph (B), an award or scholarship provided by a public or private entity to or on behalf of a dependent child based on the child's academic or extracurricular achievement or participation in a scholastic, educational, or extracurricular competition.~~

~~(B)For purposes of Chapter 2 (commencing with Section 11200), an award or scholarship provided by a public or private entity to or on behalf of a dependent child.~~

~~(c)For purposes of Chapter 2 (commencing with Section 11200), any income or stipend paid by the United States Census Bureau, a governmental entity, or a nonprofit organization for temporary work related to improving participation in the decennial census that is earned during the year preceding a decennial census and during the year of the decennial census is not income.~~

~~(d)(1)Any federal pandemic unemployment compensation, as described under Subchapter 2 (commencing with Section 9021) of Chapter 116 of Title 15 of the United States Code, is exempt from consideration as income and resources for the purposes of determining initial and continued eligibility and grant amount for the CalWORKs program.~~

~~(2)The exemption described under paragraph (1) shall remain in effect so long as federal pandemic unemployment compensation is exempt as income for purposes of establishing eligibility for the CalFresh program (Chapter 10 (commencing with Section 18900) of Part 6), pursuant to the federal Consolidated Appropriations Act of 2021 or any other law.~~

~~SEC. 14.The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.~~

~~SEC. 15.If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.~~

~~SEC. 16.No appropriation pursuant to Section 15200 of the Welfare and Institutions Code shall be made for purposes of implementing this act.~~

~~SEC. 17.Five million dollars ($5,000,000) is hereby appropriated from the General Fund to augment Schedule (1) of Item 7730-001-0001 of the 2020 Budget Act for the Franchise Tax Board to be allocated to existing California Earned Income Tax Credit outreach contracts to provide increased awareness of the Golden State Stimulus. To provide timely distribution of funds for Golden State Stimulus awareness, the Franchise Tax Board, and its administrative partner, the Department of Community Services and Development are exempt from all provisions of state contracting law governing the amendment of contracts. Furthermore, funds for Golden State Stimulus outreach shall be distributed to contractors at the sole discretion Executive Officer of the Franchise Board.~~

~~SEC. 18. This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.~~