

AMENDED IN ASSEMBLY MAY 2, 2001

AMENDED IN ASSEMBLY APRIL 18, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 846**

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**Introduced by Assembly Member Strickland**

February 22, 2001

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An act to amend Section 1769 of the Welfare and Institutions Code, relating to Youth Authority commitments.

LEGISLATIVE COUNSEL'S DIGEST

AB 846, as amended, Strickland. Youth Authority: commitment.

Existing law provides that every person committed to the Department of the Youth Authority by a juvenile court for specified serious offenses shall be discharged upon the expiration of a 2-year period of control or when the person reaches his or her 25th birthday, whichever occurs later, unless an order for further detention has been made by the committing court, as specified.

This bill, ~~denominated as "Jesse's Law,"~~ would, instead, require discharge with respect to ~~these offenses~~ *murder or attempted murder, as specified*, committed on or after January 1, 2002, upon the expiration of a period equal to the time between the date of the offense and the date of the person's 25th birthday, except that this period may not exceed the maximum term of imprisonment that could be imposed upon an adult convicted of the offense or offenses that brought or continued the minor under the jurisdiction of the juvenile court, with the existing exception as to further detention. *This bill would permit a court, upon making a*

specified statement, to waive the extended period of confinement for good cause.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. ~~This act shall be known and may be cited as~~  
2 ~~“Jesse’s Law.”~~

3 SEC. 2. Section 1769 of the Welfare and Institutions Code is  
4 amended to read:

5 1769. (a) Every person committed to the Department of the  
6 Youth Authority by a juvenile court shall, except as provided in  
7 subdivisions (b) and (c), be discharged upon the expiration of a  
8 two-year period of control or when the person reaches his or her  
9 21st birthday, whichever occurs later, unless an order for further  
10 detention has been made by the committing court pursuant to  
11 Article 6 (commencing with Section 1800).

12 (b) Every person committed to the Department of the Youth  
13 Authority by a juvenile court who has been found to be a person  
14 described in Section 602 by reason of the violation of any of the  
15 offenses listed in subdivision (b) or paragraph (2) of subdivision  
16 (d), or subdivision (e) of Section 707, as that section read on March  
17 6, 2000, or of any of the offenses listed in subdivision (b) or  
18 subdivision (d) of Section 707, as amended by initiative March 7,  
19 2000, ~~which offense was committed before January 1, 2002,~~ shall  
20 be discharged upon the expiration of a two-year period of control,  
21 or when the person reaches his or her 25th birthday, whichever  
22 occurs later, unless an order for further detention has been made  
23 by the committing court pursuant to Article 6 (commencing with  
24 Section 1800).

25 (c) ~~Every~~ *Notwithstanding subdivision (b), every* person  
26 committed to the Department of the Youth Authority by a juvenile  
27 court who has been found to be a person described in Section 602  
28 by reason of the violation of ~~any of the offenses listed in~~  
29 ~~subdivision (b) or subdivision (d) of Section 707,~~ *the offense of*  
30 *murder or attempted willful, deliberate and premeditated murder*  
31 *as defined in Section 189 of the Penal Code* which offense was  
32 committed on or after January 1, 2002, shall be discharged upon  
33 the expiration of a period of time equal to the time between the date



1 of the commission of the offense and the date of his or her 25th  
2 birthday, except that this period may not exceed the maximum  
3 term of imprisonment that could be imposed upon an adult  
4 convicted of the offense or offenses that brought or continued the  
5 minor under the jurisdiction of the juvenile court unless an order  
6 for further detention has been made by the committing court  
7 pursuant to Article 6 (commencing with Section 1800). *A court*  
8 *may waive the imposition of the extended period of confinement*  
9 *required by this subdivision upon a finding of good cause, the*  
10 *reasons for which the court shall state for the record.*

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