

Introduced by Senator AshburnJanuary 31, 2007

An act to amend Section 790 of the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

SB 165, as introduced, Ashburn. Juvenile crime: deferred entry of judgment.

Existing law, enacted by initiative statute, provides that if a minor consents and waives his or her right to a speedy jurisdictional hearing, the court may refer the case to the probation department or summarily grant deferred entry of judgment if the minor admits the charges in the petition and waives time for the pronouncement of the judgment. These provisions apply whenever a case is before the juvenile court for a determination of whether the minor is within the jurisdiction of the juvenile court because of the commission of a felony offense, and the minor meets other eligibility criteria, including that the minor is at least 14 years of age at the time of the hearing. The initiative statute provides that any amendment of its provisions requires a $\frac{2}{3}$ vote of the membership of each house of the Legislature.

This bill would delete the requirement that the minor be at least 14 years of age at the time of the hearing. Because the bill would amend an initiative statute, it would require a $\frac{2}{3}$ vote.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

1 SECTION 1. Section 790 of the Welfare and Institutions Code
2 is amended to read:

3 790. (a) Notwithstanding Section 654 or 654.2, or any other
4 ~~provision of law~~, this article shall apply whenever a case is before
5 the juvenile court for a determination of whether a minor is a
6 person described in Section 602 because of the commission of a
7 felony offense, if all of the following circumstances apply:

8 (1) The minor has not previously been declared to be a ward of
9 the court for the commission of a felony offense.

10 (2) The offense charged is not one of the offenses enumerated
11 in subdivision (b) of Section 707.

12 (3) The minor has not previously been committed to the custody
13 of the ~~Youth Authority~~ *Department of Corrections and*
14 *Rehabilitation, Division of Juvenile Facilities.*

15 (4) The minor’s record does not indicate that probation has ever
16 been revoked without being completed.

17 ~~(5) The minor is at least 14 years of age at the time of the~~
18 ~~hearing.~~

19 ~~(6)~~

20 (5) The minor is eligible for probation pursuant to Section
21 1203.06 of the Penal Code.

22 (b) The prosecuting attorney shall review his or her file to
23 determine whether or not paragraphs (1) to (6), inclusive, of
24 subdivision (a) apply. If the minor is found eligible for deferred
25 entry of judgment, the prosecuting attorney shall file a declaration
26 in writing with the court or state for the record the grounds upon
27 which the determination is based, and shall make this information
28 available to the minor and his or her attorney. Upon a finding that
29 the minor is also suitable for deferred entry of judgment and would
30 benefit from education, treatment, and rehabilitation efforts, the
31 court may grant deferred entry of judgment. Under this procedure,
32 the court may set the hearing for deferred entry of judgment at the
33 initial appearance under Section 657. The court shall make findings
34 on the record that a minor is appropriate for deferred entry of
35 judgment pursuant to this article in any case ~~where in which~~
36 deferred entry of judgment is granted.

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