

AMENDED IN SENATE MAY 14, 2007

AMENDED IN SENATE APRIL 30, 2007

**SENATE BILL**

**No. 165**

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**Introduced by Senators Ashburn and Cedillo  
(Coauthor: Senator Ridley-Thomas)**

January 31, 2007

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An act to amend Section 654.3 of the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

SB 165, as amended, Ashburn. Juvenile crime: programs of supervision.

Existing law, ~~enacted by initiative statute,~~ excludes from eligibility for specified programs of supervision conducted within the jurisdiction of the juvenile court a minor who is alleged to have committed any specified offense, including, among others, certain violent crimes, the sale or possession of a controlled substance, and participation in a criminal street gang, or who has previously been adjudged a ward of the court or participated in a program of supervision, as specified. A minor who is alleged to have committed a felony offense when the minor was at least 14 years of age is also ineligible for these programs of supervision. ~~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 specify that these provisions shall not *otherwise* limit the ability of the court to order a minor who is under 14 years of age to participate in a program of supervision, if the court finds that the order would be in the best interests of the minor and in conformity with the interests of public safety. ~~Because the bill would amend an initiative~~

~~statute, it would require a  $\frac{2}{3}$  vote.~~ *The bill would limit the exclusion for participation in a criminal street gang to felony violations, thereby permitting a minor who committed a misdemeanor violation of that offense to be eligible for these programs of supervision.*

Vote:  $\frac{2}{3}$ -majority. 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 654.3 of the Welfare and Institutions  
 2 Code is amended to read:  
 3 654.3. (a) No minor shall be eligible for the program of  
 4 supervision set forth in Section 654 or 654.2 in the following cases,  
 5 except in an unusual case where the interests of justice would best  
 6 be served and the court specifies on the record the reasons for its  
 7 decision:  
 8 (1) A petition alleges that the minor has violated committed a  
 9 felony violation of an offense listed in subdivision (b) of Section  
 10 707.  
 11 (2) A petition alleges that the minor has sold or possessed for  
 12 sale a controlled substance as defined in Chapter 2 (commencing  
 13 with Section 11053) of Division 10 of the Health and Safety Code.  
 14 (3) A petition alleges that the minor has violated Section 11350  
 15 or 11377 of the Health and Safety Code where the violation takes  
 16 place at a public or private elementary, vocational, junior high  
 17 school, or high school, or a violation of Section 245.5, 626.9, or  
 18 626.10 of the Penal Code.  
 19 (4) A petition alleges that the minor has ~~violated~~ *committed a*  
 20 *felony violation of* Section 186.22 of the Penal Code.  
 21 (5) The minor has previously participated in a program of  
 22 supervision pursuant to Section 654.  
 23 (6) The minor has previously been adjudged a ward of the court  
 24 pursuant to Section 602.  
 25 (7) A petition alleges that the minor has violated an offense in  
 26 which the restitution owed to the victim exceeds one thousand  
 27 dollars (\$1,000). For purposes of this subdivision, the definition  
 28 of “victim” in paragraph (1) of subdivision (a) of Section 730.6  
 29 and “restitution” in subdivision (h) of Section 730.6 shall apply.  
 30 (8) The minor is alleged to have committed a felony offense  
 31 when the minor was at least 14 years of age. Except in unusual

1 cases where the court determines the interest of justice would best  
2 be served by a proceeding pursuant to Section 654 or 654.2, a  
3 petition alleging that a minor who is 14 years of age or over has  
4 committed a felony offense shall proceed under Article 20.5  
5 (commencing with Section 790) or Article 17 (commencing with  
6 Section 675).

7 (b) ~~Notwithstanding any other law, this~~ *This* section shall not  
8 *otherwise* limit the ability of the court to order a minor who is  
9 under 14 years of age to participate in a program of supervision  
10 as set forth in Section 654 or 654.2, if the court finds that the order  
11 would be in the best interests of the minor and in conformity with  
12 the interests of public safety.

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