

ASSEMBLY BILL

No. 666

Introduced by Assembly Member Mark Stone

February 24, 2015

An act to amend Section 786 of the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

AB 666, as introduced, Mark Stone. Juveniles: sealing of records.

Existing law subjects a person under 18 years of age who commits a crime to the jurisdiction of the juvenile court, which may adjudge that person to be a ward of the court, except as specified. Under existing law, juvenile court proceedings to declare a minor a ward of the court are commenced by the filing of a petition by the probation officer, the district attorney after consultation with the probation officer, or the prosecuting attorney, as specified. Existing law requires the juvenile court to order the petition of a minor who is subject to the jurisdiction of the court dismissed if the minor satisfactorily completes a term of probation or an informal program of supervision, as specified, and requires the court to seal all records in the custody of the juvenile court pertaining to that dismissed petition, except as specified.

This bill would, in those circumstances, also require records in the custody of law enforcement agencies, the probation department, or any other public agency having records pertaining to the case, to be sealed, except as specified. The bill would also require the Judicial Council to adopt rules of court, and make available appropriate forms, providing for the standardized implementation of this section by the juvenile courts. By imposing new duties on local agencies relating to sealing juvenile records, this bill would impose a state-mandated local program.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

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 these statutory provisions.

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

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

1 SECTION 1. Section 786 of the Welfare and Institutions Code
 2 is amended to read:
 3 786. (a) If the minor satisfactorily completes—(a) (1) an
 4 informal program of supervision pursuant to Section 654.2, (b) (2)
 5 probation under Section 725, or (c) (3) a term of probation for any
 6 offense not listed in subdivision (b) of Section 707, the court shall
 7 order the petition dismissed, and the arrest upon which the
 8 judgment was deferred shall be deemed not to have occurred. The
 9 court shall order sealed all records pertaining to that dismissed
 10 petition in the custody of the juvenile court, *and in the custody of*
 11 *law enforcement agencies, the probation department, or any other*
 12 *public agency having records pertaining to the case, except that*
 13 *the prosecuting attorney and the probation department of any a*
 14 *county shall have access to these records after they are sealed for*
 15 *the limited purpose of determining whether the minor is eligible*
 16 *for deferred entry of judgment pursuant to Section 790. The court*
 17 *may access a file that has been sealed pursuant to this section for*
 18 *the limited purpose of verifying the prior jurisdictional status of a*
 19 *ward who is petitioning the court to resume its jurisdiction pursuant*
 20 *to subdivision (e) of Section 388. This access shall not be deemed*
 21 *an unsealing of the record and shall not require notice to any other*
 22 *entity.*

1 ***(b) The Judicial Council shall adopt rules of court, and shall***
2 ***make available appropriate forms, providing for the standardized***
3 ***implementation of this section by the juvenile courts.***

4 SEC. 2. The Legislature finds and declares that Section 1 of
5 this act, which amends Section 786 of the Welfare and Institutions
6 Code, imposes a limitation on the public’s right of access to the
7 meetings of public bodies or the writings of public officials and
8 agencies within the meaning of Section 3 of Article I of the
9 California Constitution. Pursuant to that constitutional provision,
10 the Legislature makes the following findings to demonstrate the
11 interest protected by this limitation and the need for protecting
12 that interest:

13 In order to protect the privacy of children who have had their
14 juvenile delinquency court records sealed, it is necessary that
15 related records in the custody of law enforcement agencies, the
16 probation department, or any other public agency also be sealed.

17 SEC. 3. If the Commission on State Mandates determines that
18 this act contains costs mandated by the state, reimbursement to
19 local agencies and school districts for those costs shall be made
20 pursuant to Part 7 (commencing with Section 17500) of Division
21 4 of Title 2 of the Government Code.