

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 989**

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**Introduced by Assembly Member Cooper**

February 26, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

AB 989, as amended, Cooper. Juveniles: sealing of records.

Existing law subjects any 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.~~ *that the prosecuting attorney and the probation department of any county may have access to the records for the limited purpose of determining whether the minor is eligible for deferred entry of judgment.*

~~This bill would make a technical, nonsubstantive change to those provisions.~~ *additionally authorize the prosecuting attorney and the probation department to have access to the records for the limited purpose of determining a minor's eligibility for informal supervision*

and would authorize the probation department of any county to have access to the records for the limited purpose of determining a minor's prior program referrals and risk-needs assessments.

Vote: 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 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 *served*  
6 *after a finding that the minor was a ward pursuant to Section 602*  
7 *for any offense not listed in subdivision (b) of Section 707, the*  
8 *court shall order the petition dismissed, and the arrest upon which*  
9 *the judgment was deferred shall be deemed not to have occurred.*

10 ~~The~~  
11 (b) (1) *The court shall order sealed all records pertaining to that*  
12 *dismissed petition in the custody of the juvenile court, except that*  
13 *the court.*

14 (2) *The prosecuting attorney and the probation department of*  
15 *any county shall have access to the records after they are sealed*  
16 *for the limited purpose of determining whether the minor is eligible*  
17 *for deferred entry of judgment pursuant to Section 790. The 790*  
18 *or ineligible for informal supervision pursuant to Section 654.3.*

19 (3) *The probation department of any county shall have access*  
20 *to the records after they are sealed for the limited purposes of*  
21 *determining a minor's prior program referrals and risk-needs*  
22 *assessments.*

23 (4) *The court may access a file that has been sealed pursuant to*  
24 *this section for the limited purpose of verifying the prior*  
25 *jurisdictional status of a ward who is petitioning the court to resume*  
26 *its jurisdiction pursuant to subdivision (e) of Section 388. This*  
27 *access*

28 (c) *The access authorizations described in subdivision (b) shall*  
29 *not be deemed an unsealing of the record and shall not require*  
30 *notice to any other entity.*

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