

AMENDED IN ASSEMBLY MARCH 28, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1675

Introduced by Assembly Member Mark Stone

January 19, 2016

An act to ~~amend Section 602 of~~ *add Section 654.15 to* the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1675, as amended, Mark Stone. Juveniles: prostitution.

Under existing law, a child may come within the jurisdiction of the juvenile court and become a dependent child of the court under certain circumstances, including in cases of abuse and neglect. 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. *Existing law authorizes a probation officer, in certain circumstances, to delineate a specific program of supervision of a minor who is alleged to have committed a crime in lieu of filing a petition to declare the minor a ward of the juvenile court.*

Existing law makes it a misdemeanor for a person to solicit or engage in any act of prostitution or to loiter in a public place in a manner and under circumstances manifesting the purpose and with the intent to commit prostitution.

~~This bill would specify that a minor who commits those crimes is not subject to the delinquency jurisdiction of the juvenile court, but he or she may be adjudged a dependent child of the juvenile court. require the probation officer, in a case in which a minor is alleged to have committed those offenses, to delineate a specific program of supervision~~

for the minor in lieu of filing a petition to have the minor declared a ward of the juvenile court. By increasing the duties of probation officers, this bill would impose a state-mandated local program.

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: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

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

1 SECTION 1. Section 654.15 is added to the Welfare and
2 Institutions Code, immediately following Section 654.1, to read:

3 654.15. Notwithstanding any other law, in any case in which
4 a minor has been alleged to have violated Section 647 or 653.22
5 of the Penal Code, the probation officer shall, in lieu of requesting
6 that a petition be filed by the prosecuting attorney to declare the
7 minor a ward of the court under Section 602, proceed in
8 accordance with Section 654 and delineate a specific program of
9 supervision for the minor.

10 SEC. 2. If the Commission on State Mandates determines that
11 this act contains costs mandated by the state, reimbursement to
12 local agencies and school districts for those costs shall be made
13 pursuant to Part 7 (commencing with Section 17500) of Division
14 4 of Title 2 of the Government Code.

15 ~~SECTION 1. Section 602 of the Welfare and Institutions Code~~
16 ~~is amended to read:~~

17 ~~602. (a) Except as provided in subdivision (b) or (c), any~~
18 ~~person who is under 18 years of age when he or she violates any~~
19 ~~law of this state or of the United States or any ordinance of any~~
20 ~~city or county of this state defining crime other than an ordinance~~
21 ~~establishing a curfew based solely on age, is within the jurisdiction~~
22 ~~of the juvenile court, which may adjudge such person to be a ward~~
23 ~~of the court.~~

1 ~~(b) Any person who is alleged, when he or she was 14 years of~~
2 ~~age or older, to have committed one of the following offenses shall~~
3 ~~be prosecuted under the general law in a court of criminal~~
4 ~~jurisdiction:~~

5 ~~(1) Murder, as described in Section 187 of the Penal Code, if~~
6 ~~one of the circumstances enumerated in subdivision (a) of Section~~
7 ~~190.2 of the Penal Code is alleged by the prosecutor, and the~~
8 ~~prosecutor alleges that the minor personally killed the victim.~~

9 ~~(2) The following sex offenses, if the prosecutor alleges that~~
10 ~~the minor personally committed the offense, and if the prosecutor~~
11 ~~alleges one of the circumstances enumerated in the One Strike~~
12 ~~law, subdivision (d) or (e) of Section 667.61 of the Penal Code,~~
13 ~~applies:~~

14 ~~(A) Rape, as described in paragraph (2) of subdivision (a) of~~
15 ~~Section 261 of the Penal Code.~~

16 ~~(B) Spousal rape, as described in paragraph (1) of subdivision~~
17 ~~(a) of Section 262 of the Penal Code.~~

18 ~~(C) Foreible sex offenses in concert with another, as described~~
19 ~~in Section 264.1 of the Penal Code.~~

20 ~~(D) Foreible lewd and lascivious acts on a child under 14 years~~
21 ~~of age, as described in subdivision (b) of Section 288 of the Penal~~
22 ~~Code.~~

23 ~~(E) Foreible sexual penetration, as described in subdivision (a)~~
24 ~~of Section 289 of the Penal Code.~~

25 ~~(F) Sodomy or oral copulation in violation of Section 286 or~~
26 ~~288a of the Penal Code, by force, violence, duress, menace, or fear~~
27 ~~of immediate and unlawful bodily injury on the victim or another~~
28 ~~person.~~

29 ~~(G) Lewd and lascivious acts on a child under 14 years of age,~~
30 ~~as defined in subdivision (a) of Section 288, unless the defendant~~
31 ~~qualifies for probation under subdivision (d) of Section 1203.066~~
32 ~~of the Penal Code.~~

33 ~~(e) A minor who violates subdivision (b) of Section 647 of the~~
34 ~~Penal Code or Section 653.22 of the Penal Code is not subject to~~
35 ~~the jurisdiction of the juvenile court pursuant to this section. The~~
36 ~~minor may be adjudged a dependent child of the court on the~~
37 ~~grounds that he or she is a person described by Section 300.~~