

AMENDED IN ASSEMBLY APRIL 19, 2016

AMENDED IN ASSEMBLY MARCH 28, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## ASSEMBLY BILL

**No. 1675**

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**Introduced by Assembly Member Mark Stone**

January 19, 2016

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An act to *amend Section 654.3 of, and to 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~~

*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 a minor ineligible for this program of supervision if he or she has previously participated in a program of supervision.*

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 require the probation officer, in a case in which a minor is alleged to have committed those *prostitution-related* offenses, to delineate a specific program of supervision for the minor in lieu of ~~filing~~ *requesting that the prosecuting attorney file* a petition to have the minor declared a ward of the juvenile court. *The bill would also allow these minors to participate in a program of supervision even if they have previously participated in a program of supervision.* 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: yes.  
State-mandated local program: yes.

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

- 1     *SECTION 1. Section 654.3 of the Welfare and Institutions Code*
- 2     *is amended to read:*
- 3     654.3. No minor shall be eligible for the program of supervision
- 4     set forth in Section 654 or 654.2 in the following cases, except in
- 5     an unusual case where the interests of justice would best be served
- 6     and the court specifies on the record the reasons for its decision:
- 7     (a) A petition alleges that the minor has violated an offense
- 8     listed in subdivision (b) of Section 707.
- 9     (b) A petition alleges that the minor has sold or possessed for
- 10    sale a controlled substance as defined in Chapter 2 (commencing
- 11    with Section 11053) of Division 10 of the Health and Safety Code.
- 12    (c) A petition alleges that the minor has violated Section 11350
- 13    or 11377 of the Health and Safety Code where the violation takes
- 14    place at a public or private elementary, vocational, junior high
- 15    school, or high school, or a violation of Section 245.5, 626.9, or
- 16    626.10 of the Penal Code.
- 17    (d) A petition alleges that the minor has violated Section 186.22
- 18    of the Penal Code.

(e) The minor has previously participated in a program of supervision pursuant to Section 654. *This subdivision does not apply to a minor who will be participating in the program of supervision pursuant to Section 654.15.*

(f) The minor has previously been adjudged a ward of the court pursuant to Section 602.

(g) A petition alleges that the minor has violated an offense in which the restitution owed to the victim exceeds one thousand dollars (\$1,000). For purposes of this subdivision, the definition of “victim” in paragraph (1) of subdivision (a) of Section 730.6 and “restitution” in subdivision (h) of Section 730.6 shall apply.

(h) The minor is alleged to have committed a felony offense when the minor was at least 14 years of age. Except in unusual cases where the court determines the interest of justice would best be served by a proceeding pursuant to Section 654 or 654.2, a petition alleging that a minor who is 14 years of age or over has committed a felony offense shall proceed under Article 20.5 (commencing with Section 790) or Article 17 (commencing with Section 675).

**SECTION 1.**

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

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

~~SEC. 2.~~

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