

AMENDED IN SENATE JUNE 9, 2016
AMENDED IN ASSEMBLY MAY 12, 2016
AMENDED IN ASSEMBLY APRIL 19, 2016
AMENDED IN ASSEMBLY MARCH 28, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1675

Introduced by Assembly Members Mark Stone and Gonzalez

January 19, 2016

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.

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 requesting that the prosecuting attorney file 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 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. *The bill would further require the probation officer to make a report to the county child welfare agency if the officer has reason to believe the minor is the victim of abuse or neglect, as specified.* 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
2 Code is amended to read:
3 654.3. A minor is not 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.

1 (d) A petition alleges that the minor has violated Section 186.22
2 of the Penal Code.

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

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

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

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

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

24 654.15. (a) Notwithstanding any other law, in any case in
25 which a minor has been alleged to have violated subdivision (b)
26 of Section 647 or Section 653.22 of the Penal Code, the probation
27 officer shall, in lieu of requesting that a petition be filed by the
28 prosecuting attorney to declare the minor a ward of the court under
29 Section 602, proceed in accordance with Section 654 and delineate
30 a specific program of supervision for the minor.

31 (b) *In addition to the actions required by subdivision (a), the*
32 *probation officer shall make a report to the county child welfare*
33 *agency if the officer has reason to believe the minor is a person*
34 *described in Section 300. The child welfare agency shall investigate*
35 *the report pursuant to Section 328.*

36 SEC. 3. If the Commission on State Mandates determines that
37 this act contains costs mandated by the state, reimbursement to
38 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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