

**ASSEMBLY BILL**

**No. 2390**

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**Introduced by Assembly Member Brown**

February 18, 2016

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An act to amend Sections 1179 and 1772 of the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2390, as introduced, Brown. Juveniles: honorable discharge: release from penalties.

Existing law requires that all persons honorably discharged from the control of the Department of Corrections and Rehabilitations, Division of Juvenile Justice, to thereafter be released from all penalties or disabilities resulting from the offense for which they were committed. Existing law separately requires that every person discharged from the control of the Department of Corrections and Rehabilitation, Division of Juvenile Justice, who has not, during the period of control, been placed in a state prison, to thereafter be released from all penalties and disabilities resulting from the offense or crime for which he or she was committed.

This bill would require all persons honorably discharged from the control of the Department of Corrections and Rehabilitation, Division of Juvenile Justice by the Board of Parole Hearings, Juvenile Division or from the control of the county probation department by the juvenile court to be released from all penalties or disabilities resulting from the offense for which they were committed. The bill would require that each person honorably discharged from the control of the Department of Corrections and Rehabilitation, Division of Juvenile Justice by the Board of Parole Hearings, Juvenile Division, and each person discharged

from the control of the county probation department by the juvenile court who has not, during the period of control, been placed in a state prison, to thereafter be released from all penalties and disabilities resulting from the offense or crime for which he or she was committed.

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 1179 of the Welfare and Institutions Code  
2     is amended to read:  
3     1179. (a) ~~All persons~~ *Each person* honorably discharged from  
4     control of the ~~Youth Authority Board~~ *Department of Corrections*  
5     *and Rehabilitation, Division of Juvenile Justice by the Board of*  
6     *Parole Hearings, Juvenile Division, or from the control of the*  
7     *county probation department by the juvenile court* shall thereafter  
8     be released from all penalties or disabilities resulting from the  
9     offenses for which they were committed, including, but not limited  
10    to, any disqualification for any employment or occupational license,  
11    or both, created by any other ~~provision of law~~. However, that a  
12    person ~~shall is not be~~ eligible for appointment as a peace officer  
13    employed by any public agency if his or her appointment ~~would~~  
14    is otherwise ~~be~~ prohibited by Section 1029 of the Government  
15    Code.  
16    (b) ~~Notwithstanding the provisions of subdivision (a), that a~~  
17    person may be appointed and employed as a peace officer by the  
18    Department of the ~~Youth Authority~~ *Corrections and Rehabilitation,*  
19    *Division of Juvenile Justice* if (1) at least five years have passed  
20    since his or her honorable discharge, and the person has had no  
21    misdemeanor or felony convictions except for traffic misdemeanors  
22    since he or she was honorably discharged by the board *or the*  
23    *juvenile court*, or (2) the person was employed as a peace officer  
24    by the ~~department~~ *Division of Juvenile Justice* on or before January  
25    1, 1983. ~~No~~ A person who is under the jurisdiction of the  
26    ~~department~~ *Division of Juvenile Justice or county probation*  
27    *department* shall *not* be admitted to an examination for a peace  
28    officer position with the ~~department~~ *Division of Juvenile Justice*  
29    unless and until the person has been honorably discharged from  
30    the jurisdiction of the ~~department by the Youth Authority Board.~~

1 *Division of Juvenile Justice or county probation department*  
2 *pursuant to subdivision (a).*

3 (c) ~~Upon~~ *In the case of a person discharged from the control*  
4 *of the Department of Corrections and Rehabilitation, Division of*  
5 *Juvenile Justice by the Board of Parole Hearings, upon the final*  
6 *discharge or dismissal of any such the person, the Department of*  
7 ~~the Youth Authority~~ *department shall immediately certify the*  
8 *discharge or dismissal in writing, and shall transmit the certificate*  
9 *to the court by which the person was committed. The court shall*  
10 *thereupon dismiss the accusation and the action pending against*  
11 *that person.*

12 SEC. 2. Section 1772 of the Welfare and Institutions Code is  
13 amended to read:

14 1772. (a) Subject to subdivision (b), every person honorably  
15 discharged from control *of the Department of Corrections and*  
16 *Rehabilitation, Division of Juvenile Justice by the Youth Authority*  
17 ~~Board~~ *Board of Parole Hearings, Juvenile Division or from the*  
18 *control of the county probation department by the juvenile court*  
19 *who has not, during the period of control by the authority Division*  
20 *of Juvenile Justice or county probation department, been placed*  
21 *by the authority Board of Parole Hearings, Juvenile Division or*  
22 *county probation department in a state prison shall thereafter be*  
23 *released from all penalties and disabilities resulting from the*  
24 *offense or crime for which he or she was committed, and every*  
25 *person discharged may petition the court which committed him or*  
26 *her, and the court may upon that petition set aside the verdict of*  
27 *guilty and dismiss the accusation or information against the*  
28 *petitioner who shall thereafter be released from all penalties and*  
29 *disabilities resulting from the offense or crime for which he or she*  
30 *was committed, including, but not limited to, any disqualification*  
31 *for any employment or occupational license, or both, created by*  
32 *any other provision of law.*

33 (b) Notwithstanding subdivision (a), *all of the following shall*  
34 *apply:*

35 (1) A person described by subdivision (a) shall not be eligible  
36 for appointment as a peace officer employed by any public agency  
37 if his or her appointment would otherwise be prohibited by Section  
38 1029 of the Government Code. However, that person may be  
39 appointed and employed as a peace officer by the Department of  
40 ~~the Youth Authority~~ *Corrections and Rehabilitation, Division of*

1 *Juvenile Justice* if (A) at least five years have passed since his or  
2 her honorable discharge, and the person has had no misdemeanor  
3 or felony convictions except for traffic misdemeanors since he or  
4 she was honorably discharged by the ~~Youth Authority Board~~ *board*  
5 *or by a juvenile court*, or (B) the person was employed as a peace  
6 officer by the ~~Department of the Youth Authority~~ *Division of*  
7 *Juvenile Justice* on or before January 1, 1983. ~~No~~ A person who  
8 is under the jurisdiction of the ~~Department of the Youth Authority~~  
9 *Division of Juvenile Justice or county probation department* shall  
10 not be admitted to an examination for a peace officer position with  
11 the ~~department~~ *Division of Juvenile Justice* unless and until the  
12 person has been honorably discharged from the jurisdiction of the  
13 ~~Youth Authority Board~~. *Division of Juvenile Justice or county*  
14 *probation department pursuant to subdivision (a).*

15 (2) A person described by subdivision (a) is subject to Chapter  
16 2 (commencing with Section 29800) and Chapter 3 (commencing  
17 with Section 29900) of Division 9 of Title 4 of Part 6 of the Penal  
18 Code.

19 (3) The conviction of a person described by subdivision (a) for  
20 an offense listed in subdivision (b) of Section 707 is admissible  
21 in a subsequent criminal, juvenile, or civil proceeding if otherwise  
22 admissible, if all the following are true:

23 (A) The person was 16 years of age or older at the time he or  
24 she committed the offense.

25 (B) The person was found unfit to be dealt with under the  
26 juvenile court law pursuant to Section 707 because he or she was  
27 alleged to have committed an offense listed in subdivision (b) of  
28 Section 707.

29 (C) The person was tried as an adult and convicted of an offense  
30 listed in subdivision (b) of Section 707.

31 (D) The person was committed to the Department of ~~the Youth~~  
32 ~~Authority~~ *Corrections and Rehabilitation, Division of Juvenile*  
33 *Justice* for the offense referred to in subparagraph (C).

34 (4) The conviction of a person described by subdivision (a) may  
35 be used to enhance the punishment for a subsequent offense.

36 (5) The conviction of a person who is 18 years of age or older  
37 at the time he or she committed the offense is admissible in a  
38 subsequent civil, criminal, or juvenile proceeding, if otherwise  
39 admissible pursuant to law.

1 (c) Every person discharged from control by the ~~Youth Authority~~  
2 ~~Board~~ *Board of Parole Hearings, Juvenile Division or from the*  
3 *county probation department by the juvenile court* shall be  
4 informed of the provisions of this section in writing at the time of  
5 discharge.

6 (d) “Honorably discharged” as used in this section means and  
7 includes every person whose discharge is based upon a good record  
8 on ~~parole~~ *supervised release*.