

Introduced by Senator Hancock

February 26, 2015

An act to repeal and add Section 13012.5 of the Penal Code, relating to criminal statistics.

LEGISLATIVE COUNSEL'S DIGEST

SB 498, as introduced, Hancock. Criminal statistics: juveniles.

Existing law requires the Department of Justice to collect specified criminal justice information from local law enforcement agencies and prepare an annual report presenting the data to the Governor and certain public officials. Existing law requires this report to include the annual number of fitness hearings held in the juvenile court and the annual number of minors whose cases were filed directly in adult criminal court, as well as the outcomes of those proceedings, cross-referenced with the age, gender, ethnicity, and offense of the minors subject to these court actions. Existing law also requires the department to include in the report information regarding certain administrative actions taken by law enforcement, prosecutorial, judicial, penal, and correctional agencies in dealing with minors who are the subject of a petition or hearing in the juvenile court to transfer their cases to adult criminal court or whose cases were directly filed or otherwise initiated in adult criminal court.

This bill would require the annual report to include both statewide and county level information, and would expand the scope and level of detail in the information reported, by requiring, among other things, information about the county of commitment, the type of sentence imposed, the age at the time of the alleged offense, and whether gang, weapon or other sentencing enhancements were imposed. The bill would also require the department to post on its Internet Web site additional

information, including the number of people under 21 years of age at the time of their offense who were sentenced to the state prison, and, beginning July 1, 2017, all case level data that was compiled to prepare the report provided to the Governor and other public officials, as specified. The bill would require the department to post the information in a format that allows a user to query and download the information for the most recent reporting year and for prior years or reporting cycles, as specified, beginning July 1, 2018, for the preceding calendar year. The bill would also provide that the information regarding certain administrative actions regarding juvenile offenders whose cases were transferred to, or directly filed or originated in, criminal court would be reported beginning with the report due on July 1, 2017, as specified, thereby suspending the requirement to make that report for one year.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

- 1 SECTION 1. Section 13012.5 of the Penal Code is repealed.
- 2 ~~13012.5.— (a) The annual report published by the department~~
- 3 ~~under Section 13010 shall, in regard to the contents required by~~
- 4 ~~subdivision (d) of Section 13012, include the following statewide~~
- 5 ~~information:~~
- 6 ~~(1) The annual number of fitness hearings held in the juvenile~~
- 7 ~~courts under Section 707 of the Welfare and Institutions Code,~~
- 8 ~~and the outcomes of those hearings including orders to remand to~~
- 9 ~~adult criminal court, cross-referenced with information about the~~
- 10 ~~age, gender, ethnicity, and offense of the minors whose cases are~~
- 11 ~~the subject of those fitness hearings.~~
- 12 ~~(2) The annual number of minors whose cases are filed directly~~
- 13 ~~in adult criminal court under Sections 602.5 and 707 of the Welfare~~
- 14 ~~and Institutions Code, cross-referenced with information about the~~
- 15 ~~age, gender, ethnicity, and offense of the minors whose cases are~~
- 16 ~~filed directly to the adult criminal court.~~
- 17 ~~(3) The outcomes of cases involving minors who are prosecuted~~
- 18 ~~in adult criminal courts, regardless of how adult court jurisdiction~~
- 19 ~~was initiated, including whether the minor was acquitted or~~
- 20 ~~convicted, or whether the case was dismissed and returned to~~
- 21 ~~juvenile court, including sentencing outcomes, cross-referenced~~

1 with the age, gender, ethnicity, and offense of the minors subject
2 to these court actions:

3 ~~(b) The department's annual report published under Section~~
4 ~~13010 shall include the information described in subdivision (d)~~
5 ~~of Section 13012, as further delineated by this section, beginning~~
6 ~~with the report due on July 1, 2003, for the preceding calendar~~
7 ~~year.~~

8 SEC. 2. Section 13012.5 is added to the Penal Code, to read:

9 13012.5. (a) (1) The annual report published by the department
10 under Section 13010 shall, in regard to the contents required by
11 subdivision (d) of Section 13012, include the following statewide
12 and county level information:

13 (A) For each year, the number of fitness hearings held in the
14 juvenile courts pursuant to Section 707 of the Welfare and
15 Institutions Code, and the outcomes of those hearings, including
16 orders to remand to adult criminal court, cross-referenced with
17 information about the age at the time of the alleged offense, gender,
18 race or ethnic subgroup, county of commitment, most serious
19 offense resulting in juvenile adjudication or conviction, and
20 whether gang, weapon, or other sentencing enhancements were
21 alleged against the minors whose cases were the subject of those
22 fitness hearings.

23 (B) For each year, the number of minors whose cases were filed
24 directly in adult criminal court pursuant to subdivision (b) of
25 Section 602 or Section 707 of the Welfare and Institutions Code,
26 classified according to whether the case was filed under whichever
27 of those provisions applies, and cross-referenced with information
28 about the age at the time of the alleged offense, gender, race or
29 ethnic subgroup, county of commitment, most serious offense
30 resulting in juvenile adjudication or conviction, and whether gang,
31 weapon, or other sentencing enhancements were alleged against
32 the minors whose cases were filed directly in adult criminal court.

33 (C) The outcomes of cases involving minors who were
34 prosecuted in adult criminal courts, including whether the minor
35 was acquitted or convicted, or whether the case was dismissed,
36 diverted and dismissed, or certified to juvenile court, and
37 sentencing outcomes, including information regarding gang,
38 weapon, or other sentencing enhancements, and the type of
39 sentence, including receiving a fine, a jail term, probation with
40 jail, probation, an adult prison term, or placement in the custody

1 of the Division of Juvenile Justice, cross-referenced with whether
2 the case was filed directly in adult criminal court pursuant to
3 subdivision (b) of Section 602 or Section 707 of the Welfare and
4 Institutions Code, or remanded to adult criminal court by the
5 juvenile court, the age at the time of the alleged offense, gender,
6 race or ethnic subgroup, county of commitment, length of time in
7 custody prior to disposition of the case, and most serious offense
8 resulting in conviction of the minors subject to these court actions.

9 (D) For each year, the number of minors 14 years of age or older
10 whose cases were filed in juvenile court for offenses pursuant to
11 subdivision (b) of Section 707 of the Welfare and Institutions
12 Code, cross-referenced with information about the age at the time
13 of the alleged offense, gender, race or ethnic subgroup, county of
14 filing, most serious alleged offense filed, the offense or offenses
15 for which a petition was sustained, including whether gang,
16 weapon, or other sentencing enhancements were attached, and the
17 level of disposition, including placement at home or with a relative,
18 in a non-secure county facility, in a secure county facility, in
19 another public facility, in another private facility, or in the custody
20 of the Division of Juvenile Justice.

21 (E) The total number of people who were under 21 years of age
22 at the time of their offenses who are currently committed to the
23 Department of Corrections and Rehabilitation, cross-referenced
24 with each person's age at the time of the offense, current age,
25 gender, race or ethnic subgroup, county of commitment, most
26 serious offense, and gang, weapon, or other sentencing
27 enhancements attached to the conviction of the individuals.

28 (2) The department shall post on its Internet Web site annually
29 the number of people who were under 21 years of age at the time
30 of the offense and who were sentenced to state prison, including
31 those sentenced to state prison who were ordered to serve their
32 terms in a county facility, and the number of those people who
33 were still serving sentences at the end of the year, the offense or
34 offenses for which each person was convicted, and the sentence
35 and enhancements for each offense, cross-referenced with the
36 person's age at the time of the offense, current age, gender, race
37 or ethnic subgroup, county of commitment, and the date of the
38 offense.

39 (b) The department's annual report published pursuant to Section
40 13010 shall include the information described in subdivision (d)

1 of Section 13012, beginning with the report due on July 1, 2017,
2 for the preceding calendar year.

3 (c) The department shall post on its Internet Web site all case
4 level data compiled to prepare the report required by subdivision
5 (a) in a downloadable format, beginning on July 1, 2017, for the
6 preceding calendar year, including, but not limited to, the following
7 information:

8 (1) The minor's residence ZIP Code at the time of the offense.

9 (2) The number of petitions sustained against the minor prior
10 to the offense resulting in adult criminal court prosecution.

11 (3) The most serious offense alleged at the time of arrest and
12 whether gang, weapon or other sentencing allegations were
13 attached.

14 (4) The most serious alleged offense filed and whether gang,
15 weapon, or other sentencing enhancement allegations were
16 attached.

17 (5) The most serious offense resulting in conviction and whether
18 gang, weapon, or other sentencing enhancements were attached.

19 (d) The department shall post on its Internet Web site the
20 information required by subdivisions (a), (b), and (c) in a format
21 that allows a user to query and download the information for the
22 most recent reporting year and for prior years or reporting cycles
23 for which the information is available, beginning on July 1, 2018,
24 for the preceding calendar year.