

AMENDED IN SENATE APRIL 13, 2015

SENATE BILL

No. 498

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 amended, 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,~~ *referral*, and the age at the time of the ~~alleged offense, and~~

~~whether gang, weapon or other sentencing enhancements were imposed.~~
referral. 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 SEC. 2. Section 13012.5 is added to the Penal Code, to read:
- 3 13012.5. (a) ~~(1)~~ The annual report published by the department
- 4 under Section 13010 shall, in regard to the contents required by
- 5 subdivision (d) of Section 13012, include the following statewide
- 6 and county level information:
- 7 (A)
- 8 (1) For each year, the number of fitness hearings held in the
- 9 juvenile courts pursuant to Section 707 of the Welfare and
- 10 Institutions Code, and the outcomes of those hearings, including
- 11 orders to remand to adult criminal court, cross-referenced with
- 12 information about the age at the time of ~~the alleged offense,~~
- 13 *referral*, gender, race or ethnic subgroup, county of ~~commitment,~~
- 14 *referral*, and most serious offense ~~resulting in juvenile adjudication~~
- 15 ~~or conviction, and whether gang, weapon, or other sentencing~~
- 16 ~~enhancements were alleged against at the time of referral of the~~
- 17 minors whose cases were the subject of those fitness hearings.
- 18 (B)

(2) For each year, the number of minors whose cases were filed directly in adult criminal court pursuant to subdivision (b) of Section 602 or Section 707 of the Welfare and Institutions Code, classified according to ~~whether the case was filed under whichever of those provisions applies, the code section under which the case was filed,~~ and cross-referenced with information about the age at the time of ~~the alleged offense,~~ *referral*, gender, race or ethnic subgroup, county of ~~commitment,~~ *most serious offense resulting in juvenile adjudication or conviction,* and ~~whether gang, weapon, or other sentencing enhancements were alleged against referral, and most serious offense at the time of referral of~~ the minors whose cases were filed directly in adult criminal court.

(C)

(3) ~~The~~ *For each year, the* outcomes of cases involving minors who were prosecuted in adult criminal courts, including whether the minor was acquitted or convicted, or whether the case was dismissed, diverted and dismissed, or certified to juvenile court, and sentencing outcomes, ~~including information regarding gang, weapon, or other sentencing enhancements, and the type of sentence, including~~ receiving a fine, a jail term, probation with jail, probation, an adult prison term, or placement in the custody of the Division of Juvenile Justice, cross-referenced with whether the case was filed directly in adult criminal court pursuant to subdivision (b) of Section 602 or Section 707 of the Welfare and Institutions Code, or remanded to adult criminal court by the juvenile court, the age at the time of ~~the alleged offense,~~ *booking*, gender, race or ethnic subgroup, county of ~~commitment,~~ *length of time in custody prior to disposition of the case,* *booking*, and ~~most serious offense category~~ resulting in conviction of the minors subject to these court actions.

(4) *For each year, the length of time spent in juvenile hall for minors whose case was filed in adult criminal court and who were released from juvenile hall, cross-referenced with whether the case was filed directly in adult criminal court pursuant to subdivision (b) of Section 602 or Section 707 of the Welfare and Institutions Code, or remanded to adult criminal court by the juvenile court, the age at the time of referral, gender, race or ethnic subgroup, county of referral, and most serious offense at the time of referral.*

(D)

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

(E)

(6) ~~The~~ *Using data submitted by the Department of Corrections and Rehabilitation, for each year, a one-day snapshot of the total number of people who were under 21 years of age at the time of their offenses who are currently committed to the Department of Corrections and Rehabilitation, cross-referenced with each person's age at the time of the offense, age at admission to the department, current age, gender, race or ethnic subgroup, county of commitment, most serious offense, offense resulting in conviction, and gang, weapon, or other sentencing enhancements attached to the conviction of the individuals.*

(2)

(7) ~~The department shall post on its Internet Web site annually~~ *Using data submitted by the Department of Corrections and Rehabilitation, for each year, the number of people who were under 21 years of age at the time of the offense and who were sentenced to state prison, including those sentenced to state prison who were ordered to serve their terms in a county facility, and the number of those people who were still serving sentences at the end of the year, the offense or offenses for which each person was convicted, and the sentence and enhancements for each offense, cross-referenced with the person's age at the time of the offense, current age, gender, race or ethnic subgroup, county of commitment, and the date of the offense. committed to the department, cross-referenced with the most serious offense resulting in conviction and the sentence, including any gang, weapon, or other sentencing enhancements that were attached,*

1 *cross-referenced with the person's age at the time of the offense,*
2 *age at admission to the department, current age, gender, race or*
3 *ethnic subgroup, and county of commitment.*

4 (b) The department's annual report published pursuant to Section
5 13010 shall include the information described in subdivision (d)
6 of Section 13012, beginning with the report due on July 1, 2017,
7 for the preceding calendar year.

8 (c) The department shall post on its Internet Web site all ~~case~~
9 ~~level~~ data compiled to prepare the report required by subdivision
10 (a) in a downloadable format, beginning on July 1, 2017, for the
11 preceding calendar year, ~~including, but not limited to, the following~~
12 ~~information: year.~~

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

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

16 ~~(3) The most serious offense alleged at the time of arrest and~~
17 ~~whether gang, weapon or other sentencing allegations were~~
18 ~~attached.~~

19 ~~(4) The most serious alleged offense filed and whether gang,~~
20 ~~weapon, or other sentencing enhancement allegations were~~
21 ~~attached.~~

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

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