

AMENDED IN SENATE JUNE 1, 2015

AMENDED IN SENATE APRIL 6, 2015

**SENATE BILL**

**No. 504**

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**Introduced by Senator Lara**

February 26, 2015

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An act to amend Section 1203.45 of the Penal Code, and to amend Sections 781 and 903.3 of the Welfare and Institutions Code, relating to court records.

LEGISLATIVE COUNSEL'S DIGEST

SB 504, as amended, Lara. Court records: sealing.

Existing law authorizes a person to petition the court for an order sealing the record of conviction and other official records in a case in which that person was under 18 years of age at the time of commission of a misdemeanor and is eligible for, or has previously received, specified relief. Existing law authorizes that person to be required to reimburse the court, the county, or any city for the actual cost of services rendered, as specified.

This bill would only make persons 26 years of age or older liable to reimburse the court, the county, or any city for the cost of services.

Existing law authorizes in a case in which a petition has been filed with a juvenile court to commence proceedings to adjudge a person a ward of the court, in a case in which a person is cited to appear before a probation officer or is taken before a probation officer pursuant to a specified provision of law, or in a case in which a minor is taken before an officer of a law enforcement agency, the person or the county probation officer to petition the court for the sealing of arrest records and records relating to the person's case in the custody of the juvenile court and the probation officer and any other agencies, including law

enforcement agencies and public officials as the petitioner alleges to have custody of the records. Existing law authorizes the petition to be filed 5 years or more after the jurisdiction of the juvenile court has terminated or, if no petition was filed, 5 years or more after the person was cited to appear before a probation officer or was taken before a probation officer or law enforcement officer, or, in any case, at any time after the person reaches 18 years of age. Existing law also requires the court to order the juvenile court records sealed pursuant to these provisions destroyed, as specified, and authorizes other agencies in possession of sealed records to destroy the records 5 years after the record was ordered sealed.

This bill would instead require a court to, at the time the jurisdiction of the juvenile court has terminated as to the person, order all records, papers, and exhibits in the person's case in the custody of the juvenile court and other agencies, entities, and officials, sealed. The bill would, in any case in which a petition is not filed with the court, require the probation department or law enforcement agency to seal all records at the time at which the decision was made to not refer the person to the probation department or the district attorney's office. The bill would also make conforming changes: *prohibit an unfulfilled order of restitution that has been converted to a civil judgment from barring the sealing of a record pursuant to the above provisions. The bill would also prohibit outstanding restitution fines and court-ordered fees from being considered when assessing whether a petitioner's rehabilitation has been attained to the satisfaction of the court and from barring the sealing of a record pursuant to the above provisions.* By increasing the number of records local agencies would be required to seal, this bill would impose a state-mandated local program.

Existing law makes a father, mother, spouse, or other person liable for the support of a minor person, the minor when he or she becomes an adult, or the estates of those persons, liable for the cost to the county and court for any investigation related to the sealing and for the sealing of any juvenile court or arrest records pursuant to the above-mentioned provisions. Existing law also authorizes those persons to be required to reimburse the court, county, or a city for the actual cost of services rendered, as specified.

This bill would only require persons 26 years of age or older who petition for an order sealing his or her record, pursuant to specified provisions, to be liable for the investigative costs and to reimburse the costs of services rendered.

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 1203.45 of the Penal Code is amended  
2 to read:

3 1203.45. (a) In a case in which a person was under 18 years  
4 of age at the time of commission of a misdemeanor and is eligible  
5 for, or has previously received, the relief provided by Section  
6 1203.4 or 1203.4a, that person, in a proceeding under Section  
7 1203.4 or 1203.4a, or a separate proceeding, may petition the court  
8 for an order sealing the record of conviction and other official  
9 records in the case, including records of arrests resulting in the  
10 criminal proceeding and records relating to other offenses charged  
11 in the accusatory pleading, whether the defendant was acquitted  
12 or charges were dismissed. If the court finds that the person was  
13 under 18 years of age at the time of the commission of the  
14 misdemeanor, and is eligible for relief under Section 1203.4 or  
15 1203.4a or has previously received that relief, it may issue its order  
16 granting the relief prayed for. Thereafter the conviction, arrest, or  
17 other proceeding shall be deemed not to have occurred, and the  
18 petitioner may answer accordingly any question relating to their  
19 occurrence.

20 (b) This section applies to convictions that occurred before, as  
21 well as those that occur after, the effective date of this section.

22 (c) This section shall not apply to offenses for which registration  
23 is required under Section 290, to violations of Division 10  
24 (commencing with Section 11000) of the Health and Safety Code,  
25 or to misdemeanor violations of the Vehicle Code relating to  
26 operation of a vehicle or of a local ordinance relating to operation,  
27 standing, stopping, or parking of a motor vehicle.

1 (d) This section does not apply to a person convicted of more  
2 than one offense, whether the second or additional convictions  
3 occurred in the same action in which the conviction as to which  
4 relief is sought occurred or in another action, except in the  
5 following cases:

6 (1) One of the offenses includes the other or others.

7 (2) The other conviction or convictions were for the following:

8 (A) Misdemeanor violations of Chapters 1 (commencing with  
9 Section 21000) to 9 (commencing with Section 22500), inclusive,  
10 Chapter 12 (commencing with Section 23100), or Chapter 13  
11 (commencing with Section 23250) of Division 11 of the Vehicle  
12 Code, other than Section 23103, 23104, 23105, 23152, 23153, or  
13 23220.

14 (B) Violation of a local ordinance relating to the operation,  
15 stopping, standing, or parking of a motor vehicle.

16 (3) The other conviction or convictions consisted of any  
17 combination of paragraphs (1) and (2).

18 (e) This section shall apply in a case in which a person was  
19 under 21 years of age at the time of the commission of an offense  
20 as to which this section is made applicable if that offense was  
21 committed prior to March 7, 1973.

22 (f) In an action or proceeding based upon defamation, a court,  
23 upon a showing of good cause, may order the records sealed under  
24 this section to be opened and admitted into evidence. The records  
25 shall be confidential and shall be available for inspection only by  
26 the court, jury, parties, counsel for the parties, and any other person  
27 who is authorized by the court to inspect them. Upon the judgment  
28 in the action or proceeding becoming final, the court shall order  
29 the records sealed.

30 (g) A person who is 26 years of age or older and petitions for  
31 an order sealing a record under this section may be required to  
32 reimburse the court for the actual cost of services rendered, whether  
33 or not the petition is granted and the records are sealed or  
34 expunged, at a rate to be determined by the court, not to exceed  
35 one hundred fifty dollars (\$150), and to reimburse the county for  
36 the actual cost of services rendered, whether or not the petition is  
37 granted and the records are sealed or expunged, at a rate to be  
38 determined by the county board of supervisors, not to exceed one  
39 hundred fifty dollars (\$150), and to reimburse any city for the  
40 actual cost of services rendered, whether or not the petition is

1 granted and the records are sealed or expunged, at a rate to be  
2 determined by the city council, not to exceed one hundred fifty  
3 dollars (\$150). Ability to make this reimbursement shall be  
4 determined by the court using the standards set forth in paragraph  
5 (2) of subdivision (g) of Section 987.8 and shall not be a  
6 prerequisite to a person's eligibility under this section. The court  
7 may order reimbursement in a case in which the petitioner appears  
8 to have the ability to pay, without undue hardship, all or any portion  
9 of the cost for services established pursuant to this subdivision.

10 ~~SEC. 2. Section 781 of the Welfare and Institutions Code is~~  
11 ~~amended to read:~~

12 ~~781. (a) (1) (A) In any case in which a petition has been filed~~  
13 ~~with a juvenile court to commence proceedings to adjudge a person~~  
14 ~~a ward of the court, the court shall, at the time the jurisdiction of~~  
15 ~~the juvenile court has terminated as to the person, order all records,~~  
16 ~~papers, and exhibits in the person's case in the custody of the~~  
17 ~~juvenile court sealed, including the juvenile court record, minute~~  
18 ~~book entries, and entries on dockets, and any other records relating~~  
19 ~~to the case in the custody of the other agencies, entities, and~~  
20 ~~officials as are named in the order. Once the court has ordered the~~  
21 ~~person's records sealed, the proceedings in the case shall be deemed~~  
22 ~~never to have occurred, and the person may properly reply~~  
23 ~~accordingly to any inquiry about the events, the records of which~~  
24 ~~are ordered sealed.~~

25 ~~(B) The court shall send a copy of the order to each agency,~~  
26 ~~entity, and official named in the order, directing the agency or~~  
27 ~~entity to seal its records. Each agency, entity, and official shall~~  
28 ~~seal the records in its custody as directed by the order, shall advise~~  
29 ~~the court of its compliance, and thereupon shall seal the copy of~~  
30 ~~the court's order for sealing of records that the agency, entity, or~~  
31 ~~official received.~~

32 ~~(C) In any case in which a ward of the juvenile court is subject~~  
33 ~~to the registration requirements set forth in Section 290 of the~~  
34 ~~Penal Code, a court, in ordering the sealing of the juvenile records~~  
35 ~~of the person, shall also provide in the order that the person is~~  
36 ~~relieved from the registration requirement and for the destruction~~  
37 ~~of all registration information in the custody of the Department of~~  
38 ~~Justice and other agencies, entities, and officials.~~

39 ~~(D) Notwithstanding any other law, the court shall not order the~~  
40 ~~person's records sealed in any case in which the person has been~~

1 found by the juvenile court to have committed an offense listed in  
2 subdivision (b) of Section 707 when he or she had attained 14  
3 years of age or older.

4 (2) In any case in which a person is cited to appear before a  
5 probation officer or is taken before a probation officer pursuant to  
6 Section 626, or in any case in which a minor is taken before any  
7 officer of a law enforcement agency, and no petition is filed, the  
8 probation department or law enforcement agency shall, at the time  
9 at which the decision was made to not refer the person to the  
10 probation department or to the district attorney's office, seal all  
11 records, including records of arrest, relating to the person's case,  
12 in the custody of the probation department and law enforcement  
13 agency. Once the records have been sealed, the events shall be  
14 deemed never to have occurred, and the person may properly reply  
15 accordingly to any inquiry about the events, the records of which  
16 are sealed.

17 (3) The person who is the subject of records sealed pursuant to  
18 this section may petition the superior court to permit inspection  
19 of the records by persons named in the petition, and the superior  
20 court may order the inspection of the records. Except as provided  
21 in subdivision (b), the records shall not be open to inspection.

22 (b) In any action or proceeding based upon defamation, a court,  
23 upon a showing of good cause, may order any records sealed under  
24 this section to be opened and admitted into evidence. The records  
25 shall be confidential and shall be available for inspection only by  
26 the court, jury, parties, counsel for the parties, and any other person  
27 who is authorized by the court to inspect them. Upon the judgment  
28 in the action or proceeding becoming final, the court shall order  
29 the records sealed.

30 (c) (1) Subdivision (a) does not apply to Department of Motor  
31 Vehicle records of any convictions for offenses under the Vehicle  
32 Code or any local ordinance relating to the operation, stopping  
33 and standing, or parking of a vehicle where the record of any such  
34 conviction would be a public record under Section 1808 of the  
35 Vehicle Code. However, if a court orders a case record containing  
36 any such conviction to be sealed under this section, and if the  
37 Department of Motor Vehicles maintains a public record of such  
38 a conviction, the court shall notify the Department of Motor  
39 Vehicles of the sealing and the department shall advise the court  
40 of its receipt of the notice.

1 ~~(2) Notwithstanding any other law, subsequent to the~~  
2 ~~notification, the Department of Motor Vehicles shall allow access~~  
3 ~~to its record of convictions only to the subject of the record and~~  
4 ~~to insurers which have been granted requestor code numbers by~~  
5 ~~the department. An insurer to which a record of conviction is~~  
6 ~~disclosed, when the conviction record has otherwise been sealed~~  
7 ~~under this section, shall be given notice of the sealing when the~~  
8 ~~record is disclosed to the insurer. The insurer may use the~~  
9 ~~information contained in the record for purposes of determining~~  
10 ~~eligibility for insurance and insurance rates for the subject of the~~  
11 ~~record, and the information shall not be used for any other purpose~~  
12 ~~nor shall it be disclosed by an insurer to any person or party not~~  
13 ~~having access to the record.~~

14 ~~(3) This subdivision shall not prevent the sealing of any record~~  
15 ~~that is maintained by any agency or party other than the Department~~  
16 ~~of Motor Vehicles.~~

17 ~~(4) This subdivision shall not affect the procedures or authority~~  
18 ~~of the Department of Motor Vehicles for purging department~~  
19 ~~records.~~

20 ~~(d) This section shall not permit the sealing of a person's~~  
21 ~~juvenile court records for an offense where the person is convicted~~  
22 ~~of that offense in a criminal court pursuant to the provisions of~~  
23 ~~Section 707.1. This subdivision is declaratory of existing law.~~

24 ~~(e) (1) On and after January 1, 2015, each court and probation~~  
25 ~~department shall ensure that information regarding the eligibility~~  
26 ~~for and the procedures to request the sealing and destruction of~~  
27 ~~records pursuant to this section shall be provided to each person~~  
28 ~~who is either of the following:~~

29 ~~(A) A person for whom a petition has been filed on or after~~  
30 ~~January 1, 2015, to adjudge the person a ward of the juvenile court.~~

31 ~~(B) A person who is brought before a probation officer pursuant~~  
32 ~~to Section 626.~~

33 ~~(2) The Judicial Council shall, on or before January 1, 2015,~~  
34 ~~develop informational materials for purposes of paragraph (1) and~~  
35 ~~shall develop a form to petition the court for the sealing and~~  
36 ~~destruction of records pursuant to this section. The informational~~  
37 ~~materials and the form shall be provided to each person described~~  
38 ~~in paragraph (1) when jurisdiction is terminated or when the case~~  
39 ~~is dismissed.~~

1     *SEC. 2. Section 781 of the Welfare and Institutions Code is*  
2     *amended to read:*

3     781. (a) (1) (A) In any case in which a petition has been filed  
4 with a juvenile court to commence proceedings to adjudge a person  
5 a ward of the court, in any case in which a person is cited to appear  
6 before a probation officer or is taken before a probation officer  
7 pursuant to Section 626, or in any case in which a minor is taken  
8 before any officer of a law enforcement agency, the person or the  
9 county probation officer may, five years or more after the  
10 jurisdiction of the juvenile court has terminated as to the person,  
11 or, in a case in which no petition is filed, five years or more after  
12 the person was cited to appear before a probation officer or was  
13 taken before a probation officer pursuant to Section 626 or was  
14 taken before any officer of a law enforcement agency, or, in any  
15 case, at any time after the person has reached ~~the age of 18 years~~  
16 *18 years of age*, petition the court for sealing of the records,  
17 including records of arrest, relating to the person's case, in the  
18 custody of the juvenile court and probation officer and any other  
19 agencies, including law enforcement agencies, *entities*, and public  
20 officials as the petitioner alleges, in his or her petition, to have  
21 custody of the records. The court shall notify the district attorney  
22 of the county and the county probation officer, if he or she is not  
23 the petitioner, and the district attorney or probation officer or any  
24 of their deputies or any other person having relevant evidence may  
25 testify at the hearing on the petition. If, after hearing, the court  
26 finds that since the termination of jurisdiction or action pursuant  
27 to Section 626, as the case may be, he or she has not been convicted  
28 of a felony or of any misdemeanor involving moral turpitude and  
29 that rehabilitation has been attained to the satisfaction of the court,  
30 it shall order all records, papers, and exhibits in the person's case  
31 in the custody of the juvenile court sealed, including the juvenile  
32 court record, minute book entries, and entries on dockets, and any  
33 other records relating to the case in the custody of the other  
34 ~~agencies~~ *agencies, entities*, and officials as are named in the order.  
35 ~~In any case in which a ward of the juvenile court is subject to the~~  
36 ~~registration requirements set forth in Section 290 of the Penal~~  
37 ~~Code, a court, in ordering the sealing of the juvenile records of the~~  
38 ~~person, also shall provide in the order that the person is relieved~~  
39 ~~from the registration requirement and for the destruction of all~~  
40 ~~registration information in the custody of the Department of Justice~~

1 and other agencies and officials. Notwithstanding any other  
2 provision of law, the court shall not order the person's records  
3 sealed in any case in which the person has been found by the  
4 juvenile court to have committed an offense listed in subdivision  
5 (b) of Section 707 when he or she had attained 14 years of age or  
6 older. Once the court has ordered the person's records sealed, the  
7 proceedings in the case shall be deemed never to have occurred,  
8 and the person may properly reply accordingly to any inquiry about  
9 the events, the records of which are ordered sealed. ~~The court shall~~  
10 ~~send a copy of the order to each agency and official named therein,~~  
11 ~~directing the agency to seal its records and stating the date~~  
12 ~~thereafter to destroy the sealed records. Each such agency and~~  
13 ~~official shall seal the records in its custody as directed by the order,~~  
14 ~~shall advise the court of its compliance, and thereupon shall seal~~  
15 ~~the copy of the court's order for sealing of records that it, he, or~~  
16 ~~she received. The person who is the subject of records sealed~~  
17 ~~pursuant to this section may petition the superior court to permit~~  
18 ~~inspection of the records by persons named in the petition, and the~~  
19 ~~superior court may so order. Otherwise, except as provided in~~  
20 ~~subdivisions (b) and (c), the records shall not be open to inspection.~~

21 *(B) The court shall send a copy of the order to each agency,*  
22 *entity, and official named in the order, directing the agency or*  
23 *entity to seal its records. Each agency, entity, and official shall*  
24 *seal the records in its custody as directed by the order, shall advise*  
25 *the court of its compliance, and thereupon shall seal the copy of*  
26 *the court's order for sealing of records that the agency, entity, or*  
27 *official received.*

28 *(C) In any case in which a ward of the juvenile court is subject*  
29 *to the registration requirements set forth in Section 290 of the*  
30 *Penal Code, a court, in ordering the sealing of the juvenile records*  
31 *of the person, shall also provide in the order that the person is*  
32 *relieved from the registration requirement and for the destruction*  
33 *of all registration information in the custody of the Department*  
34 *of Justice and other agencies, entities, and officials.*

35 *(D) Notwithstanding any other law, the court shall not order*  
36 *the person's records sealed in any case in which the person has*  
37 *been found by the juvenile court to have committed an offense*  
38 *listed in subdivision (b) of Section 707 when he or she had attained*  
39 *14 years of age or older.*

1 (2) *An unfulfilled order of restitution that has been converted*  
2 *to a civil judgment pursuant to Section 730.6 shall not be a bar to*  
3 *sealing a record pursuant to this subdivision.*

4 (3) *Outstanding restitution fines and court-ordered fees shall*  
5 *not be considered when assessing whether a petitioner’s*  
6 *rehabilitation has been attained to the satisfaction of the court*  
7 *and shall not be a bar to sealing a record pursuant to this*  
8 *subdivision.*

9 (4) *The person who is the subject of records sealed pursuant to*  
10 *this section may petition the superior court to permit inspection*  
11 *of the records by persons named in the petition, and the superior*  
12 *court may order the inspection of the records. Except as provided*  
13 *in subdivision (b), the records shall not be open to inspection.*

14 (b) In any action or proceeding based upon defamation, a court,  
15 upon a showing of good cause, may order any records sealed under  
16 this section to be opened and admitted into evidence. The records  
17 shall be confidential and shall be available for inspection only by  
18 the court, jury, parties, counsel for the parties, and any other person  
19 who is authorized by the court to inspect them. Upon the judgment  
20 in the action or proceeding becoming final, the court shall order  
21 the records sealed.

22 (c) (1) Subdivision (a) does not apply to Department of Motor  
23 Vehicle records of any convictions for offenses under the Vehicle  
24 Code or any local ordinance relating to the operation, stopping  
25 and standing, or parking of a vehicle where the record of any such  
26 conviction would be a public record under Section 1808 of the  
27 Vehicle Code. However, if a court orders a case record containing  
28 any such conviction to be sealed under this section, and if the  
29 Department of Motor Vehicles maintains a public record of such  
30 a conviction, the court shall notify the Department of Motor  
31 Vehicles of the sealing and the department shall advise the court  
32 of its receipt of the notice.

33 ~~Notwithstanding~~

34 (2) *Notwithstanding any other provision of law, subsequent to*  
35 *the notification, the Department of Motor Vehicles shall allow*  
36 *access to its record of convictions only to the subject of the record*  
37 *and to insurers which have been granted requestor code numbers*  
38 *by the department. Any insurer to which ~~such~~ a record of*  
39 *conviction is disclosed, when ~~such a~~ the conviction record has*  
40 *otherwise been sealed under this section, shall be given notice of*

1 the sealing when the record is disclosed to the insurer. The insurer  
2 may use the information contained in the record for purposes of  
3 determining eligibility for insurance and insurance rates for the  
4 subject of the record, and the information shall not be used for any  
5 other purpose nor shall it be disclosed by an insurer to any person  
6 or party not having access to the record.

7 ~~(2)~~

8 (3) This subdivision ~~shall not be construed as preventing~~ *does*  
9 *not prevent* the sealing of any record which is maintained by any  
10 agency or party other than the Department of Motor Vehicles.

11 ~~(3)~~

12 (4) This subdivision ~~shall not be construed as affecting~~ *does not*  
13 *affect* the procedures or authority of the Department of Motor  
14 Vehicles for purging department records.

15 (d) Unless for good cause the court determines that the juvenile  
16 court record shall be retained, the court shall order the destruction  
17 of a person's juvenile court records that are sealed pursuant to this  
18 section as follows: five years after the record was ordered sealed,  
19 if the person who is the subject of the record was alleged or  
20 adjudged to be a person described by Section 601; or when the  
21 person who is the subject of the record reaches the age of 38 if the  
22 person was alleged or adjudged to be a person described by Section  
23 602, except that if the subject of the record was found to be a  
24 person described in Section 602 because of the commission of an  
25 offense listed in subdivision (b) of Section 707 when he or she  
26 was 14 years of age or older, the record shall not be destroyed.  
27 Any other agency in possession of sealed records may destroy its  
28 records five years after the record was ordered sealed.

29 (e) The court may access a file that has been sealed pursuant to  
30 this section for the limited purpose of verifying the prior  
31 jurisdictional status of a ward who is petitioning the court to resume  
32 its jurisdiction pursuant to subdivision (e) of Section 388. This  
33 access shall not be deemed an unsealing of the record and shall  
34 not require notice to any other entity.

35 (f) This section shall not permit the sealing of a person's juvenile  
36 court records for an offense where the person is convicted of that  
37 offense in a criminal court pursuant to the provisions of Section  
38 707.1. This subdivision is declaratory of existing law.

39 (g) (1) On and after January 1, 2015, each court and probation  
40 department shall ensure that information regarding the eligibility

1 for and the procedures to request the sealing and destruction of  
2 records pursuant to this section shall be provided to each person  
3 who is either of the following:

4 (A) A person for whom a petition has been filed on or after  
5 January 1, 2015, to adjudge the person a ward of the juvenile court.

6 (B) A person who is brought before a probation officer pursuant  
7 to Section 626.

8 (2) The Judicial Council shall, on or before January 1, 2015,  
9 develop informational materials for purposes of paragraph (1) and  
10 shall develop a form to petition the court for the sealing and  
11 destruction of records pursuant to this section. The informational  
12 materials and the form shall be provided to each person described  
13 in paragraph (1) when jurisdiction is terminated or when the case  
14 is dismissed.

15 SEC. 3. Section 903.3 of the Welfare and Institutions Code is  
16 amended to read:

17 903.3. (a) A person who is 26 years of age or older shall,  
18 unless indigent, be liable for the cost to the county and court for  
19 any investigation related to the sealing and for the sealing of any  
20 juvenile court or arrest records pursuant to Section 781 pertaining  
21 to that person.

22 (b) In the event a petition is filed for an order sealing a record,  
23 a person who is 26 years of age or older may be required to  
24 reimburse the county and court for the actual cost of services  
25 rendered, whether or not the petition is granted and the records are  
26 sealed or expunged, at a rate to be determined by the county board  
27 of supervisors for the county and by the court for the court, not to  
28 exceed one hundred fifty dollars (\$150). Ability to make this  
29 reimbursement shall be determined by the court using the standards  
30 set forth in paragraph (2) of subdivision (g) of Section 987.8 of  
31 the Penal Code and shall not be a prerequisite to a person's  
32 eligibility under this section. The court may order reimbursement  
33 in any case in which the petitioner appears to have the ability to  
34 pay, without undue hardship, all or any portion of the cost for  
35 services.

36 (c) Notwithstanding subdivision (a), a person shall not be liable  
37 for the costs described in this section if a petition to declare the  
38 minor a dependent child of the court pursuant to Section 300 is  
39 dismissed at or before the jurisdictional hearing.

1 (d) Any determination of amount made by a court under this  
2 section shall be valid only if either (1) made under procedures  
3 adopted by the Judicial Council or (2) approved by the Judicial  
4 Council.

5 SEC. 4. If the Commission on State Mandates determines that  
6 this act contains costs mandated by the state, reimbursement to  
7 local agencies and school districts for those costs shall be made  
8 pursuant to Part 7 (commencing with Section 17500) of Division  
9 4 of Title 2 of the Government Code.

O