

Senate Bill No. 7

CHAPTER 61

An act to amend Sections 707.1 and 1767.1 of the Welfare and Institutions Code, relating to minors.

[Approved by Governor July 5, 1995. Filed with
Secretary of State July 6, 1995.]

LEGISLATIVE COUNSEL'S DIGEST

SB 7, Peace. Juvenile offenders.

(1) Existing law authorizes the district attorney or other appropriate prosecuting officer to file an accusatory pleading against a minor in a court of criminal jurisdiction if the minor has been declared not a fit and proper subject to be dealt with under the juvenile court law.

This bill would authorize that prosecuting officer to file an accusatory pleading against a minor for whom charges in a petition in the juvenile court have been transferred to a court of criminal jurisdiction.

(2) Existing law directs the Youthful Offender Parole Board to send written notice of a hearing to consider the parole of any person who has been committed to the control of the Department of the Youth Authority for the commission of specified offenses to the judge of the court which committed that person.

This bill would require the Youthful Offender Parole Board to send a progress report prepared by the Department of the Youth Authority regarding the offender who is the subject of the hearing to the judge when it sends the written notice.

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

SECTION 1. Section 707.1 of the Welfare and Institutions Code is amended to read:

707.1. (a) If the minor is declared not a fit and proper subject to be dealt with under the juvenile court law, or as to a minor for whom charges in a petition or petitions in the juvenile court have been transferred to a court of criminal jurisdiction pursuant to Section 707.01, the district attorney, or other appropriate prosecuting officer may file an accusatory pleading against the minor in a court of criminal jurisdiction. The case shall proceed from that point according to the laws applicable to a criminal case. If a prosecution has been commenced in another court but has been suspended while juvenile court proceedings are being held, it shall be ordered that the proceedings upon that prosecution shall resume.



(b) (1) The juvenile court, as to a minor alleged to have committed an offense described in subdivision (b), paragraph (2) of subdivision (d), or subdivision (e) of Section 707 and who has been declared not a fit and proper subject to be dealt with under the juvenile court law, or as to a minor for whom charges in a petition or petitions in the juvenile court will be transferred to a court of criminal jurisdiction pursuant to Section 707.01, or as to a minor whose case has been filed directly in or transferred to a court of criminal jurisdiction pursuant to Section 707.01, may order the minor to be delivered to the custody of the sheriff upon a finding that the presence of the minor in the juvenile hall would endanger the safety of the public or be detrimental to the other inmates detained in the juvenile hall. Other minors declared not fit and proper subjects to be dealt with under the juvenile court law, if detained, shall remain in the juvenile hall pending final disposition by the criminal court or until they attain the age of 18, whichever occurs first.

(2) Upon attainment of the age of 18 years such a person who is detained in juvenile hall shall be delivered to the custody of the sheriff unless the court finds that it is in the best interests of the person and the public that he or she be retained in juvenile hall. If a hearing is requested by the person, the transfer shall not take place until after the court has made its findings.

(3) When a person under 18 years of age is detained pursuant to this section in a facility in which adults are confined the detention shall be in accordance with the conditions specified in subdivision (b) of Section 207.1.

(4) A minor found not a fit and proper subject to be dealt with under the juvenile court law shall, upon the conclusion of the fitness hearing, be entitled to release on bail or on his or her own recognizance on the same circumstances, terms, and conditions as an adult alleged to have committed the same offense.

SEC. 2. Section 1767.1 of the Welfare and Institutions Code is amended to read:

1767.1. At least 30 days before the Youthful Offender Parole Board meets to review or consider the parole of any person who has been committed to the control of the Department of the Youth Authority for the commission of any offense described in subdivision (b), paragraph (2) of subdivision (d), or subdivision (e) of Section 707, or for the commission of an offense in violation of paragraph (3) of subdivision (a) of Section 261 of the Penal Code, the board shall send written notice of the hearing to each of the following persons: the judge of the court which committed the person to the authority, the attorney for the person, the district attorney of the county from which the person was committed, and the law enforcement agency that investigated the case. The Youthful Offender Parole Board shall also send a progress report regarding the ward, prepared by the Department of the Youth Authority, to the judge of the court which



committed the person at the same time it sends the written notice to the judge.

Each of the persons so notified shall have the right to submit a written statement to the board at least 10 days prior to the scheduled hearing for the board's consideration at the hearing. Nothing in this subdivision shall be construed to permit any person so notified to attend the hearing. With respect to the parole of any person over the age of 18 years, the presiding officer shall state findings and supporting reasons for the decision of the board at the hearing. The findings and reasons shall be reduced to writing, and shall be made available for inspection by members of the public no later than 30 days from the date of the hearing.

