

Senate Bill No. 1603

CHAPTER 663

An act to amend Section 629 of the Welfare and Institutions Code, relating to juvenile offenders.

[Approved by Governor September 24, 2000. Filed
with Secretary of State September 26, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1603, Peace. Juvenile offenders: release from custody.

Existing law provides that a probation officer may require a minor who has been taken into custody or his or her parent, guardian, or relative to sign a written promise to appear before the probation officer at a specified time as a condition for his or her release. Existing law, as amended by Proposition 21 (an initiative statute) at the March 7, 2000, primary election, also provides that a minor who is 14 years of age or older who is taken into custody by a peace officer for the commission or attempted commission of a felony shall not be released until the minor, his or her parent, guardian, or relative, or both, have signed a written promise to appear at a specified time or the minor has been given an order to appear in the juvenile court at a date certain.

This bill would delete the above provisions and would instead provide that, as a condition for the release of a minor to home supervision, as specified, a peace officer or the probation officer shall require the minor to sign, and may require his or her parent, guardian, or relative to sign, a written promise to appear. By imposing additional duties on local officers, the bill would impose a state-mandated local program.

The bill would prohibit the release of a minor 14 years of age or older who is taken into custody for the commission or attempted commission of a felony until the minor has signed the written promise or until the minor has been given an order to appear in the juvenile court. The bill would also authorize the peace officer to require the minor's parent, guardian, or relative to sign a written promise to appear at the same place designated for the minor.

Because the bill would amend Proposition 21, it would require a $\frac{2}{3}$ vote for enactment.

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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000



statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

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.

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

SECTION 1. Section 629 of the Welfare and Institutions Code is amended to read:

629. (a) As a condition for the release of a minor pursuant to Section 628.1 and subject to Sections 631 and 632, the probation officer shall require the minor to sign, and may also require his or her parent, guardian, or relative to sign, a written promise to appear before the probation officer at the juvenile hall or other suitable place designated by the probation officer at a specified time.

(b) A minor who is 14 years of age or older who is taken into custody by a peace officer for the commission or attempted commission of a felony offense shall not be released until the minor has signed a written promise to appear before the probation officer at the juvenile hall or other suitable place designated by the peace officer, or has been given an order to appear at the juvenile court on a date certain. The peace officer may also require the minor's parent, guardian, or relative to sign a written promise to appear at the same place designated for the minor.

SEC. 2. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

