

Introduced by Senator Schiff
(Principal coauthor: Assembly Member Machado)

February 24, 2000

An act to add Section 531 to the Military and Veterans Code, and to add Sections 731.3 and 731.4 to, and to add Article 20.5 (commencing with Section 790) to Chapter 1 of Part 1 of Division 2 of, the Welfare and Institutions Code, relating to minors, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1937, as introduced, Schiff. Juveniles: boot camps.

Existing law provides that a minor who is alleged to have committed a criminal offense is within the jurisdiction of the juvenile court.

Existing law also provides that a minor who commits specified acts while at school or a school activity off school grounds may be expelled from school.

This bill would enact the Zero Tolerance Offense Remediation Act. The bill would require commitment to the Department of the Youth Authority for minors who are 15 years of age or older and who are found to have committed any one of specified offenses while at school or during a school activity off school grounds, as specified.

However, the bill also would provide for an alternative commitment to a residential boot camp academy program that would be authorized to be established and operated by the Adjutant General. The bill would also establish a procedure for deferred entry of judgment in cases before the

juvenile court for the commission of one of the above described offenses, where specified circumstances are found to apply, requiring participation in a residential boot camp academy program. Successful completion of the program would result in dismissal of charges and sealing of records. These provisions establishing the alternative commitment and deferred entry of judgment would be applicable only in counties in which the board of supervisors has adopted a resolution making these provisions applicable.

The bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. 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 531 is added to the Military and
2 Veterans Code, to read:

3 531. The Adjutant General may develop, establish,
4 and operate residential and nonresidential boot camp
5 academies and similar programs for minors residing in
6 California, including, but not limited to, first time
7 juvenile offenders. The boot camp academies shall consist
8 of an intensive program of treatment, physical training,
9 education, drug treatment, and counseling services for
10 eligible wards of the juvenile court. A minor selected for
11 the boot camp academy program shall meet all of the
12 criteria described in Section 731.4 of the Welfare and
13 Institutions Code.

14 SEC. 2. Section 731.3 is added to the Welfare and
15 Institutions Code, to read:

16 731.3. Any minor who is 15 years of age or older and
17 who is found to have committed an offense described in
18 subdivision (c) of Section 48915 of the Education Code at
19 school or a school activity off school grounds shall be
20 committed to the Department of the Youth Authority,
21 except as otherwise provided in Section 731.4.

22 SEC. 3. Section 731.4 is added to the Welfare and
23 Institutions Code, to read:



1 731.4. (a) In lieu of commitment to the Department
2 of the Youth Authority, a minor who is found to have
3 committed an offense described in subdivision (c) of
4 Section 48915 of the Education Code at school or a school
5 activity off school grounds may be placed in a 12-month
6 residential boot camp academy program operated by the
7 Military Department pursuant to Section 531 of the
8 Military and Veterans Code, as provided in subdivisions
9 (b) and (c).

10 (b) In order to be eligible to participate in a residential
11 boot camp academy program described in subdivision
12 (a), a minor shall meet all of the following criteria:

13 (1) The minor is 15 years of age or older.

14 (2) The minor has not been previously found to have
15 committed any offense described in subdivision (b) of
16 Section 707.

17 (3) The minor has not previously participated in the
18 Military Department's boot camp academy program.

19 (4) The minor has not previously been committed to
20 the Department of the Youth Authority.

21 (c) Prior to referral to a residential boot camp
22 academy program the minor shall be assessed by the
23 county probation officer. The assessment shall determine
24 whether the minor is physically and psychologically
25 suitable to participate in the program. The assessment
26 shall also include a determination as to the availability of
27 space in the residential boot camp academy program. If
28 the minor is found to be unsuitable for placement in the
29 program, or if space is not available, the minor shall be
30 returned to the juvenile court for commitment to the
31 Department of the Youth Authority, pursuant to Section
32 731.3. The minor shall be permitted to withdraw an
33 admission of guilt entered pursuant to a deferred entry of
34 judgment program established pursuant to Article 20.5
35 (commencing with Section 790), and the case shall
36 proceed pursuant to Article 17 (commencing with
37 Section 675).

38 (d) This section shall apply only in a county in which
39 the board of supervisors has adopted a resolution making
40 this section and Article 20.5 (commencing with Section



1 790) applicable to the county. The resolution shall state
2 the intention of the county to comply with all of the
3 requirements of those provisions, and to provide
4 transportation for the minors to and from the boot camp
5 academy.

6 SEC. 4. Article 20.5 (commencing with Section 790)
7 is added to Chapter 1 of Part 1 of Division 2 of the Welfare
8 and Institutions Code, to read:

9

10 Article 20.5. Deferred Entry of Judgment

11

12 790. (a) Notwithstanding Section 654 or 654.2, or any
13 other provision of law, this article shall apply whenever
14 a case is before the juvenile court for a determination of
15 whether a minor is a person described in Section 602
16 because of the commission of an offense described in
17 subdivision (c) of Section 48915 of the Education Code at
18 school or a school activity off school grounds, if all of the
19 following circumstances apply:

20 (1) The minor has not previously been committed to
21 the custody of the Youth Authority.

22 (2) The minor's record does not indicate that
23 probation has ever been revoked without being
24 completed.

25 (3) The minor is at least 15 years of age at the time of
26 the hearing.

27 (4) The minor is eligible for probation pursuant to
28 Section 1203.06 of the Penal Code.

29 (b) The prosecuting attorney shall review his or her
30 file to determine whether or not paragraphs (1) to (4),
31 inclusive, of subdivision (a) apply. Upon the agreement
32 of the prosecuting attorney, the public defender or the
33 minor's private defense attorney, and the presiding judge
34 of the juvenile court or a judge designated by the
35 presiding judge to the application of this article, this
36 procedure shall be completed as soon as possible after the
37 initial filing of the petition. If the prosecuting attorney,
38 the defense attorney, and the juvenile court judge do not
39 agree, the case shall proceed according to Article 17
40 (commencing with Section 675). If the minor is found



1 eligible for deferred entry of judgment, the prosecuting
2 attorney shall file a declaration in writing with the court
3 or state for the record the grounds upon which the
4 determination is based, and shall make this information
5 available to the minor and his or her attorney. Under this
6 procedure, the court may set the hearing for deferred
7 entry of judgment at the initial appearance under Section
8 657.

9 791. (a) The prosecuting attorney's written
10 notification to the minor shall also include all of the
11 following:

12 (1) A full description of the procedures for deferred
13 entry of judgment.

14 (2) A general explanation of the roles and authorities
15 of the probation department, the prosecuting attorney,
16 the program, and the court in that process.

17 (3) A clear statement that, in lieu of jurisdictional and
18 disposition hearings, the court may grant a deferred entry
19 of judgment with respect to any offense charged in the
20 petition, provided that the minor admits each allegation
21 contained in the petition and waives time for the
22 pronouncement of judgment, and that upon the
23 successful completion of the 12-month residential boot
24 camp academy program, the positive recommendation of
25 the probation department, and the motion of the
26 prosecuting attorney, the court shall dismiss the charge or
27 charges against the minor.

28 (4) A clear statement that upon any failure of the
29 minor to comply with the orders and requirements of the
30 Military Department's boot camp academy program or
31 any circumstances specified in Section 793, the
32 prosecuting attorney or the probation department, or the
33 court on its own, may make a motion to the court for entry
34 of judgment and the court shall render a finding that the
35 minor is a ward of the court pursuant to Section 602 for
36 the offenses specified in the original petition and shall
37 schedule a dispositional hearing.

38 (5) An explanation of record retention and disposition
39 resulting from participation in the deferred entry of
40 judgment program and the minor's rights relative to



1 answering questions about his or her arrest and deferred
2 entry of judgment following successful completion of the
3 program.

4 (b) If the minor consents and waives his or her right
5 to a speedy jurisdictional hearing, the court may refer the
6 case to the probation department or the court may
7 summarily grant deferred entry of judgment if the minor
8 admits a charge or charges in the petition and waives time
9 for the pronouncement of judgment. When directed by
10 the court, the probation department shall make an
11 investigation and take into consideration the defendant's
12 age, maturity, educational background, family
13 relationships, demonstrable motivation, treatment
14 history, if any, and other mitigating and aggravating
15 factors in determining whether the minor is a person who
16 would be benefited by participation in the 12-month
17 residential boot camp academy program offered by the
18 Military Department. The probation department shall
19 report its findings and recommendations to the court.
20 The court shall make the final determination regarding
21 education, treatment, and rehabilitation of the minor.

22 (c) A minor's admission of the charges contained in
23 the petition shall not constitute a finding that a petition
24 has been sustained for any purpose, unless a judgment is
25 entered pursuant to subdivision (b) of Section 793.

26 792. The judge shall issue a citation directing any
27 custodial parent, guardian, or foster parent of the minor
28 to appear at the time and place set for the hearing, and
29 directing any person having custody or control of the
30 minor concerning whom the petition has been filed to
31 bring the minor with him or her. The notice shall explain
32 the provisions of Section 170.6 of the Code of Civil
33 Procedure. Personal service shall be made at least 24
34 hours before the time stated for the appearance.

35 793. (a) If, after accepting deferred entry of
36 judgment and during the period in which deferred entry
37 of judgment was granted, the minor is convicted of, or
38 declared to be a person described in Section 602 for the
39 commission of, any felony offense or of any two
40 misdemeanor offenses committed on separate occasions,



1 the judge shall enter judgment and schedule a
2 dispositional hearing. If the minor is convicted of, or
3 found to be a person described in Section 602, because of
4 the commission of one misdemeanor offense, or multiple
5 misdemeanor offenses committed during a single
6 occasion, the court may enter judgment and schedule a
7 dispositional hearing.

8 (b) If the judgment previously deferred is imposed
9 and a dispositional hearing scheduled pursuant to
10 subdivision (a), the juvenile court shall report the
11 complete criminal history of the minor to the
12 Department of Justice.

13 (c) (1) If the minor has performed satisfactorily
14 during the period in which deferred entry of judgment
15 was granted, at the end of that period the charge or
16 charges in the wardship petition shall be dismissed and
17 the arrest upon which the judgment was deferred shall be
18 deemed never to have occurred and any records in the
19 possession of the juvenile court shall be sealed, except
20 that the prosecuting attorney and the probation
21 department of any county shall have access to these
22 records after they are sealed for the limited purpose of
23 determining whether a minor is eligible for deferred
24 entry of judgment pursuant to Section 790. Nothing in this
25 section is intended to abrogate the minor's rights
26 pursuant to Section 781 regarding the sealing of records.

27 (2) If the minor successfully completes the one-year
28 residential treatment component of a Military
29 Department boot camp academy program, the minor
30 shall be permitted to reenroll in the school from which he
31 or she was expelled pursuant to Section 48915 of the
32 Education Code, if applicable.

33 794. The judge shall impose, as a condition of
34 placement in a Military Department boot camp academy,
35 the requirement that the minor be subject to warrantless
36 searches of his or her person, or property under his or her
37 control, upon the request of the cadre of the boot camp
38 academy. The minor shall also be required to pay
39 restitution to the victim or victims pursuant to the
40 provisions of this code and to comply with all orders and



1 requirements of the Military Department's boot camp
2 academy program. If the minor is found to be unsuitable
3 for continuation in the boot camp academy program, he
4 or she shall be returned to the juvenile court to be
5 committed to an institution operated by the Youth
6 Authority, pursuant to Section 731.3.

7 795. This article shall only apply in a county in which
8 the board of supervisors has adopted a resolution making
9 this article and Section 731.4 applicable to the county. The
10 resolution shall state the intention of the county to
11 comply with all of the requirements of those provisions
12 and to provide transportation for the minors to and from
13 the boot camp academy.

14 SEC. 5. This act shall be known as the Zero Tolerance
15 Offense Remediation Act.

16 SEC. 6. This act is an urgency statute necessary for the
17 immediate preservation of the public peace, health, or
18 safety within the meaning of Article IV of the
19 Constitution and shall go into immediate effect. The facts
20 constituting the necessity are:

21 In order to make the programs authorized by this act
22 available, and to make the statutory changes necessary to
23 implement the Budget Act of 2000, at the earliest possible
24 time, it is necessary that this act take effect immediately.

