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## SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair  
2025 - 2026 Regular

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**Bill No:** AB 1258      **Hearing Date:** June 24, 2025  
**Author:** Kalra  
**Version:** April 2, 2025  
**Urgency:** No      **Fiscal:** Yes  
**Consultant:** SU

**Subject:** *Deferred entry of judgment pilot program*

### HISTORY

**Source:** Author

**Prior Legislation:** AB 58 (Kalra), Ch. 418, Stats. of 2023  
AB 1318 (Stone), Ch. 210, Stats. of 2021  
AB 1390 (Stone), Ch. 129, Stats. of 2019  
AB 1106 (Hill), Ch. 1007, Stats. of 2018  
AB 1004 (Hill), Ch. 865, Stats. of 2016

**Support:** California Judges Association; California Public Defenders Association; Chief Probation Officers of California; Ella Baker Center for Human Rights

**Opposition:** None known

**Assembly Floor Vote:** 61 - 13

### PURPOSE

***The purpose of this bill is to extend the operation of the Transition Age Youth Pilot Program operating in Butte, Nevada, and Santa Clara counties until January 1, 2029.***

*Existing law* provides that the counties of Alameda, Butte, Napa, Nevada, and Santa Clara may establish a pilot program to operate a deferred entry of judgment pilot program until January 1, 2024 for certain eligible defendants. (Pen. Code, § 1000.7, subd. (a).)

*Existing law* provides that a defendant may participate in a deferred entry of judgment pilot program within the county's juvenile hall if that person is charged with committing a felony offense, except as specified, they plead guilty to the charge or charges, and the probation department determines that the person meets all of the following requirements:

- Is 18 years of age or older, but under 21 years of age on the date the offense was committed, or is 21 years of age or older, but under 25 years of age on the date the offense was committed with the approval of the county multidisciplinary team established pursuant to this pilot program;
- Is suitable for the program after evaluation using a risk assessment tool, as specified;

- Shows the ability to benefit from services generally reserved for delinquents, including but not limited to, cognitive behavioral therapy, other mental health services, and age-appropriate educational, vocational, and supervision services, that are currently deployed under the jurisdiction of the juvenile court;
- Meets the rules of the juvenile hall developed in accordance with the applicable regulations;
- Does not have a prior or current conviction for committing certain specified offenses; and,
- Is not required to register as a sex offender, as specified. (Pen. Code, § 1000.7, subd. (b).)

*Existing law* requires the probation department, in consultation with the superior court, district attorney, and sheriff of the county or the governmental body charged with operating the county jail, to develop an evaluation process using a risk assessment tool to determine eligibility for the program. (Pen. Code, § 1000.7, subd. (c).)

*Existing law* makes ineligible for the deferred entry of judgment pilot program a defendant who is required to register as a sex offender, as specified, or who has been convicted of one or more of the following offenses:

- A “serious” felony, as that term is defined by law;
- A “violent” felony, as that term is defined by law; or,
- A serious or violent crime as that term is defined pertaining to juveniles. (Pen. Code, § 1000.7, subd. (d).)

*Existing law* requires the court to grant deferred entry of judgment if an eligible defendant consents to participate in the program, waives their right to a speedy trial or a speedy preliminary hearing, pleads guilty to the charge or charges, and waives time for the pronouncement of judgment. (Pen. Code, § 1000.7, subd. (e).)

*Existing law* provides that if the probation department determines that the defendant is not eligible for the deferred entry of judgment pilot program or the defendant does not consent to participate in the program, the proceedings shall continue as in any other case. (Pen. Code, § 1000.7, subd. (f)(1).)

*Existing law* states that if it appears to the probation department that the defendant is performing unsatisfactorily in the program as a result of the commission of a new crime or the violation of any of the rules of the juvenile hall or that the defendant is not benefiting from the services in the program, the probation department may make a motion for entry of judgment. After notice to the defendant, the court is required to hold a hearing to determine whether judgment should be entered. (Pen. Code, § 1000.7, subd. (f)(2).)

*Existing law* states that if the court finds that the defendant is performing unsatisfactorily in the program or that the defendant is not benefiting from the services in the program, the court is required to render a finding of guilt to the charge or charges pleaded, enter judgment, and schedule a sentencing hearing, and the probation department, in consultation with the county sheriff, is required to remove the defendant from the program and return him or her to custody in

county jail. The mechanism of when and how the defendant is moved from custody in juvenile hall to custody in a county jail shall be determined by the local multidisciplinary team, as specified. (Pen. Code, § 1000.7, subd. (f)(2).)

*Existing law* provides that if the defendant has performed satisfactorily during the period in which deferred entry of judgment was granted, at the end of that period, the court is required to dismiss the criminal charge or charges. (Pen. Code, § 1000.7, subd. (f)(3).)

*Existing law* prohibits a defendant participating in this program from serving longer than one year in juvenile hall. (Pen. Code, § 1000.7, subd. (g).)

*Existing law* requires the probation department to develop a plan for reentry services, including, but not limited to, housing, employment, and education services, as a component of the program. (Pen. Code, § 1000.7, subd. (h).)

*Existing law* requires the probation department to submit data relating to the effectiveness of the program to the Division of Recidivism Reduction and Re-Entry, within the Department of Justice, including recidivism rates for program participants as compared to recidivism rates for similar populations in the adult system within the county. (Pen. Code, § 1000.7, subd. (i).)

*Existing law* prohibits a defendant participating in the program from coming into contact with minors within the juvenile hall for any purpose, including, but not limited to, housing, recreation, or education. (Pen. Code, § 1000.7, subd. (j).)

*Existing law* requires a county participating in the program to conduct an evaluation of the pilot program's impact and effectiveness in their county, as specified, and to prepare a report based on the evaluation, which is to be submitted to the Assembly and Senate Committees on Public Safety. (Pen. Code, § 1000.7, subd. (n).)

*Existing law* sunsets the pilot program on January 1, 2026. (Pen. Code, § 1000.7, subd. (o).)

*This bill* extends the young adult deferred entry of judgment pilot program from January 1, 2026 to January 1, 2029.

*This bill* removes Alameda County from the pilot program.

## COMMENTS

### 1. Need for This Bill

According to the author:

Studies have shown that young adults between the ages of 18-25 are still undergoing significant brain development and developing their decision-making skills. To that extent, although these individuals are legal adults, they could be better served by the juvenile justice system, where they would receive age-appropriate services as opposed to rehabilitation in an adult facility.

AB 1258 would extend the sunset date until January 1, 2029, for Santa Clara County to continue offering age-appropriate services for offenders between the ages of 18

and 25 through the Young Adult Deferred Entry Judgement Program. This program has been shown to have a positive impact on young adults as an alternative to adult incarceration. Extending the sunset to continue this program will allow transitional-age youth to receive supportive services geared toward them.

### **1. Deferred Entry of Judgment Pilot Program For Transition Age Youth**

SB 1004 (Hill) Chapter 865, Statutes of 2016, authorized five counties -- Alameda, Butte, Napa, Nevada, and Santa Clara -- to operate a deferred entry of judgment pilot program until January, 1 2020, in which certain young adult offenders would serve their time in juvenile hall instead of jail. The bill recognized that although 18 to 21 year olds are legally adults, “young offenders... are still undergoing significant brain development and...may be better served by the juvenile justice system with corresponding age appropriate intensive services.” (Sen. Com. on Public Safety, Analysis of Sen. Bill No. 1004 (2015-2016 Reg. Sess.) as amended on Mar. 28, 2016.) Subsequently, SB 1106 (Hill), Chapter 1007, Statutes of 2018, extended the sunset date on the pilot program to January 1, 2022, and added the County of Ventura to the list of counties authorized to operate the pilot program.

Program eligibility was expanded by AB 1390 (Mark Stone), Chapter 129, Statutes of 2019, to include young adults who were between the age of 21 and 24 at the time of their arresting offense. Program participation by an individual in this age group must first be approved locally by the jurisdiction’s multidisciplinary team established for this project. The operation of the pilot program was again extended by AB 1318 (Mark Stone), Chapter 210, Statutes of 2021 to January 1, 2024.

AB 58 (Kalra), Chapter 418, Statutes of 2023, extended the pilot program yet again until January 1, 2026, and removed Napa and Ventura counties as a participating county. AB 58 also removed the reporting requirements of the Board of State and Community Corrections and instead required a county that establishes a pilot program to conduct an evaluation on the impact and effectiveness of the pilot program, as specified, and submit a report to the Assembly and Senate Public Safety Committees. Finally, AB 58 prohibited continued participation in the pilot program if a participating county failed to comply with this reporting requirement.

To be eligible for the transition age youth deferred entry of judgment program, the defendant must be between the ages of 18 and 21, and must not have a prior or current conviction for a serious, violent, or sex offense. As stated above, individuals between the age of 21 and 24 may participate in the program with approval of the local multidisciplinary team. Participants must consent to participate in the program, be assessed and found suitable for the program, and show the ability to benefit from the services generally provided to juvenile hall youth. The probation department is required to develop a plan for reentry services, including, but not limited to, housing, employment, and education services, as a component of the program. Finally, a person participating in the program cannot serve more than one year in juvenile hall.

The pilot program is a deferred entry of judgment program, meaning that participants have to plead guilty in order to be eligible for the program. If they succeed in the program then the criminal charges are dismissed. If the individual is found to perform unsatisfactorily in the program, the probation department may file a motion of entry of judgement. Once it receives the motion, the court conducts a hearing to establish whether a judgment should be entered. If the court determines that an individual was not benefiting from the services and supports included in

the program or is performing unsatisfactorily in the program, the court may render a verdict of guilty to the charge or charges and schedule a sentencing hearing.

This bill extends the operational date of the pilot program to January 1, 2029 and removes Alameda County as a participating county. It is not clear if Alameda County has requested removal. At any rate, based on the information provided to this Committee by the author's office, it appears that Alameda County may have failed to comply with the reporting requirements, and so is ineligible for continued participation.

## **2. Argument in Support**

According to the Chief Probation Officers of California:

SB 1004 (Hill, 2016) and SB 1106 (Hill, 2018) authorized specified counties to voluntarily enact a pilot program that allows young adults who have committed non-serious, non-violent, and non-sex offenses aged 18-21 to participate in the program which allows them to receive services and to have their charges dismissed upon successful completion of the program. Programming for these young adults includes cognitive behavioral therapy, mental health treatment, vocational training, reentry planning, and education, among others.

Probation is focused on helping justice-involved individuals transition out of the system permanently through transformative and evidence-based rehabilitation and by addressing the safety and treatment needs of the individual. The extension sought in this bill helps support the important continuity of services and community safety needs for individuals in the program.

– END –