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# SENATE COMMITTEE ON PUBLIC SAFETY

Senator Aisha Wahab, Chair

2023 - 2024 Regular

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**Bill No:** SB 1484                      **Hearing Date:** April 16, 2024  
**Author:** Smallwood-Cuevas  
**Version:** February 16, 2024  
**Urgency:** No                                      **Fiscal:** No  
**Consultant:** SJ

**Subject:** *Jurisdiction of juvenile court*

## HISTORY

**Source:** Attorney General Rob Bonta

**Prior Legislation:** SB 439 (Mitchell), Ch. 1006, Stats. 2018  
AB 2154 (Pacheco), Ch. 110, Stats. 2002  
AB 1105 (Hertzberg), Ch. 679, Stats. 1997

**Support:** Alliance for Boys and Men of Color; California Public Defenders Association;  
Center on Juvenile and Criminal Justice; Pacific Juvenile Defender Center; Root  
& Rebound; Sister Warriors Freedom Coalition

**Opposition:** None known

## PURPOSE

***The purpose of this bill is to clarify that a minor must be between 12 and 17 years of age, inclusive, to be within the jurisdiction of the Informal Juvenile and Traffic Court and Expedited Youth Accountability Program.***

*Existing law* provides that any minor between 12 years of age and 17 years of age, inclusive, who persistently or habitually refuses to obey the reasonable and proper orders or directions of the minor's parents, guardian, or custodian, or who is beyond the control of that person, or who is a minor between 12 years of age and 17 years of age, inclusive, when the minor violated any ordinance of any city or county of this state establishing a curfew based solely on age is within the jurisdiction of the juvenile court which may adjudge the minor to be a ward of the court. (Welf. & Inst. Code, § 601, subd. (a).)

*Existing law* provides that any minor who is between 12 and 17 years of age that violates any law of this state or of the United States or any ordinance of any city or county other than an ordinance establishing a curfew based solely on age, is within the jurisdiction of the juvenile court, and may be adjudged to be a ward of the court, except as provided. (Welf. & Inst. Code, § 602, subd. (a).)

*Existing law* provides that subject to the orders of the juvenile court, a juvenile hearing officer may hear and dispose of any case in which a minor under the age of 18 years as of the date of the alleged offense is charged with:

- A violation of the Vehicle Code, not declared to be a felony, and not including DUI offenses;
- Entering and occupying real property or structures of any kind without the consent of the owner, the owner's agent, or the person in lawful possession;
- A violation of the Fish and Game Code not declared to be a felony;
- A violation of any of the equipment provisions of the Harbors and Navigation Code or the vessel registration provisions of the Vehicle Code;
- A violation of any provision of state or local law relating to traffic offenses, loitering or curfew, or evasion of fares on a public transportation system, as defined;
- A violation of rules and regulations established by a bridge and highway district related to traffic control;
- Various infractions and misdemeanors involving public transit, including fare evasion, eating or drinking in or on a public transit system facility or vehicle in prohibited areas, skateboarding in a public transit facility, vehicle, or parking structure, willfully disturbing others in a public transit facility or vehicle, among others;
- A violation of the rules and regulations established pursuant to the Public Resources Code intended to protect the public's use and enjoyment of the Department of Parks and Recreation's property;
- Dumping garbage or defacing or destroying property owned or managed by the Santa Monica Mountains Conservancy;
- Selling, furnishing, or giving away an alcoholic beverage to a person under 21, attempting to purchase an alcoholic beverage while under 21, presenting a fake identification card for the purpose of ordering, purchasing, or procuring alcohol when under 21, or possessing alcohol in a public place while under 21;
- Being under the influence of alcohol, a controlled substance, or toluene;
- Vandalism involving defacing property with paint or any other liquid;
- Purchasing spray paint or possession of spray paint in specific public places;
- Possession of more than 28.5 grams of cannabis or more than 8 grams of concentrated cannabis;
- Any infraction;
- Failure to appear in court pursuant to a notice or citation issued related to the Expedited Youth Accountability Program; or,
- Having four or more trancies within one school year.  
(Welf. & Inst. Code, § 256.)

*Existing law* provides, except in the case of infraction violations, with the consent of the minor, a hearing before a juvenile hearing officer, or a hearing before a referee or a judge of the juvenile court, when the minor is charged with a specified offense, may be conducted upon an exact legible copy of a written notice or citation, as provided. (Welf. & Inst. Code, § 257, subd. (a)(1).)

*Existing law* provides that consent of the minor is not required prior to conducting a hearing upon written notice to appear in the case of infraction violations. (Welf. & Inst. Code, § 257, subd. (a)(2).)

*Existing law* provides that prior to the hearing, the judge, referee, or juvenile hearing officer may request the probation officer to commence a proceeding in lieu of a hearing in Informal Juvenile and Traffic Court. (Welf. & Inst. Code, § 257, subd. (b).)

*Existing law* establishes the Expedited Youth Accountability Program operative within the superior court in Los Angeles County. Provides that it is also operative in any other county in which a committee consisting of the sheriff, the chief probation officer, the district attorney, the public defender, and the presiding judge of the superior court votes to participate in the program, upon approval by the board of supervisors. (Welf. & Inst. Code, § 660.5, subd. (a).)

*Existing law* provides that is the intent of the Legislature to hold nondetained, delinquent youth accountable for their crimes in a swift and certain manner. (Welf. & Inst. Code, § 660.5, subd. (b).)

*Existing law* provides that each county participating in the Expedited Youth Accountability Program is required to establish agreed upon time deadlines for law enforcement, probation, district attorney, and court functions which must assure that a case which is to proceed as part of this program is ready to be heard within 60 calendar days after the minor is cited to the court. (Welf. & Inst. Code, § 660.5, subd. (c).)

*Existing law* provides that if a minor is not detained for any misdemeanor or felony offense and is not cited to Informal Juvenile and Traffic Court, the peace officer or probation officer releasing the minor is required to issue a citation and obtain a written promise to appear in juvenile court, or record the minor's refusal to sign the promise to appear and serve a notice to appear in juvenile court. Prohibits the appearance from being set for more than 60 calendar days or less than 10 calendar days from the issuance of the citation. Requires the date set for the appearance of the minor to allow for sufficient time for the probation department to evaluate eligible minors for informal supervision or any other disposition provided by law. (Welf. & Inst. Code, § 660.5, subd. (d)(1).)

*Existing law* establishes court procedures related to issuing a copy of the citation and petition, as well as distribution of the citation and promise or notice to appear. Specifies what information must be included in the citation. (Welf. & Inst. Code, § 660.5, subs. (d)(2)-(4).)

*Existing law* provides that the willful failure to appear in court pursuant to a citation or notice issued is a misdemeanor. (Welf. & Inst. Code, § 660.5, subd. (f).)

*Existing law* provides that if a parent or guardian to whom a citation has been issued fails to appear, a warrant of arrest may issue for that person. Provides that a warrant of arrest may also issue for a parent or guardian who is not personally served where efforts to effect personal service have been unsuccessful, upon an affidavit, under penalty of perjury, signed by a peace officer stating facts sufficient to establish that all reasonable efforts to locate the person have failed or that the person has willfully evaded service of process. (Welf. & Inst. Code, § 660.5, subd. (g)(1).)

*Existing law* provides that if a minor to whom a citation has been issued fails to appear, and the minor's parent or guardian has either appeared or the prerequisite conditions for issuing a warrant against the minor's parent or guardian have been met, a warrant of arrest may issue for the minor. (Welf. & Inst. Code, § 660.5, subd. (g)(2).)

*Existing law* provides that a warrant of arrest may also issue for a minor who is not personally served where each of the following occur:

- Efforts to effect personal service have been unsuccessful.

- An affidavit is submitted under penalty of perjury, signed by a peace officer, stating facts sufficient to establish that all reasonable efforts to locate the minor have failed or that minor has willfully evaded service of process.
- The minor's parent or guardian has either appeared or the prerequisite conditions for issuing a warrant against the minor's parent or guardian have been met. (Welf. & Inst. Code, § 660.5, subd. (g)(3).)

*Existing law* provides that a probation officer in Los Angeles County may, in lieu of filing a petition or proceeding for informal supervision, issue a citation for any misdemeanor except the following: any crime involving a firearm; any crime involving violence; any crime involving a sex-related offense; any minor who has previously been declared a ward of the court; and any minor who has previously been referred to juvenile traffic court. Requires the probation department to conduct a risk and needs assessment for each minor eligible for citation to the Informal Juvenile and Traffic Court. Requires the risk and needs assessment to consider the best interest of the minor and the protection of the community, and to include an assessment of whether the child has any significant problems in the home, school, or community, whether the matter appears to have arisen from a temporary problem within the family which has been or can be resolved, and whether any agency or other resource in the community is better suited to serve the needs of the child, the parent or guardian, or both. (Welf. & Inst. Code, § 660.5, subd. (h).)

*Existing law* provides that in the event that the probation officer places a minor on informal probation or cites the minor to Informal Juvenile and Traffic Court, or elects some other lawful disposition not requiring a hearing, as specified, the probation officer is required to inform the minor and the minor's parent or guardian no later than 72 hours, excluding nonjudicial days and holidays, prior to the hearing, that a court appearance is not required. (Welf. & Inst. Code, § 660.5, subd. (i).)

*This bill* includes uncodified findings and declarations.

*This bill* clarifies that the Informal Juvenile and Traffic Court has jurisdiction of minors who are between the ages of 12 and 17, inclusive.

*This bill* clarifies that the Expedited Youth Accountability Program has jurisdiction of minors who are between the ages of 12 and 17, inclusive.

## COMMENTS

### 1. Need For This Bill

According to the author:

SB 1484 furthers the intent of SB 439 (Mitchell, Stats. of 2018) by clarifying that those restrictions on the juvenile court's jurisdiction for youth under 12 are applicable to other Welfare and Institutions sections that apply to informal or expedited processes and programs to adjudicate offenses by youth. Although SB 439 clearly intended to limit completely the juvenile court's jurisdiction in these circumstances and to prevent youth under 12 from contact with the court system, this law did not specifically amend the additional WIC sections that establish informal or expedited procedures for adjudicating youth charged of non-violent crimes (see WIC 255-257, 660.5). This unintentional omission has created

confusion regarding the minimum age limits for youth who may be subject to such informal or expedited processes.

SB 1484 would clarify current law to limit the juvenile court's jurisdiction when it comes to youth under the age of 12 who have allegedly committed a non-violent offense, even in the context of informal or expedited proceedings. Specifically, this bill amends WIC sections 256 and 257 (relating to the Informal and Juvenile Traffic Court) and WIC section 660.5 (relating to the Expedited Youth Accountability Program), to ensure that young children are protected from the negative impacts of justice-system involvement, and to ensure their rights, health, and well-being are promoted through alternative child-serving systems.

## **2. Expedited Youth Accountability Program**

AB 1105, Hertzberg, Chapter 679, Statutes of 1997, established a five-year Expedited Youth Accountability Program which authorized peace officers and probation officers in Los Angeles County to cite minors accused of specified misdemeanors directly to juvenile court in lieu of filing a petition or informal probation proceeding. Unlike the regular juvenile court procedures, the Expedited Youth Accountability Program required that the initial juvenile court hearing be held within 60 days of a minor's arrest. The program's sunset was removed in 2002.

At the time the sunset for the program was removed, proponents argued:

“[R]educing the time between arrest and hearing is essential in reducing juvenile crime as most recidivism occurs within the first three months after the commission of the crime ... [and] that the program ensures that preventive measures are taken at an early stage and shows minors that there are consequences for their actions and must take responsibility for the choices they make.” (Sen. Com. on Public Safety, Analysis of Assem. Bill 2154 (2001-2002 Reg. Sess.) as introduced Feb. 20, 2002, pp. 3-4.)

## **3. Informal and Juvenile Traffic Court**

Welfare and Institutions Code section 256 establishes the Informal and Juvenile Traffic Court. The types of cases heard in the Informal and Juvenile Traffic Court are primarily limited to infractions, misdemeanor traffic offenses not including DUIs, and specified misdemeanors associated with young people, such as skateboarding in a public transit facility or parking garage, playing music too loudly on public transit, possession of spray paint in a prohibited place, trespassing, loitering, public intoxication, and using a fake ID to obtain alcohol, among others.

## **4. SB 439**

In 2018, the Legislature enacted SB 439 (Mitchell, Chapter 1006, Statutes of 2018) which established 12 years of age as the minimum age for which the juvenile court has jurisdiction and may adjudge a person a ward of the court. Welfare and Institutions Code section 602 does provide an exception to this general minimum age of jurisdiction. Specifically, Welfare and Institutions Code section 602, subdivision (b), provides that a minor under 12 years of age who is alleged to have committed any of the following offenses is within the jurisdiction of the juvenile court: murder; rape by force, violence, duress, menace, or fear of immediate and unlawful bodily injury; sodomy by force, violence, duress, menace, or fear of immediate and unlawful bodily

injury; oral copulation by force, violence, duress, menace, or fear of immediate and unlawful bodily injury; and sexual penetration by force, violence, duress, menace, or fear of immediate and unlawful bodily injury.

The purpose of SB 439 was to keep young children out of the juvenile justice system and to employ developmentally appropriate, non-criminal responses to their behavior. The sponsor of this bill asserts that there is confusion in some counties regarding whether minors under 12 are under the jurisdiction of the courts described in Welfare and Institution Code sections 256 and 660.5. To that end, this bill amends Welfare and Institution Code sections 256, 257, and 660.5 to clarify that a minor must be between 12 and 17 years of age, inclusive, to be within the jurisdiction of those courts.

**-- END --**