

AMENDED IN SENATE JUNE 18, 2021

AMENDED IN ASSEMBLY MARCH 11, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 1318

Introduced by Assembly Member Stone

February 19, 2021

An act to amend ~~Sections 1276 and 1277 of the Code of Civil Procedure, and to amend Section 103430 of the Health and Safety Code, relating to civil actions. Section 1000.7 of the Penal Code, relating to diversion.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1318, as amended, Stone. ~~Changes of name or gender: minors. Deferred entry of judgment pilot program.~~

Existing law authorizes, until January 1, 2022, the Counties of Alameda, Butte, Napa, Nevada, Santa Clara, and Ventura to establish a pilot program to operate a deferred entry of judgment program for eligible defendants. Existing law authorizes a defendant to participate in the program within the county's juvenile hall if that person is charged with committing a felony offense, except as specified, pleads guilty to the charge or charges, and the probation department determines that the person meets prescribed requirements, including that the defendant meets the age requirements. Existing law requires each participating county to establish a multidisciplinary team to meet periodically to review and discuss the implementation, practices, and impact of the program, and to submit data on the pilot program to the Board of State and Community Corrections. Existing law requires the board to conduct an evaluation of the pilot program's impact and effectiveness, as

specified, and would require, no later than December 31, 2020, the evaluation to be combined into a comprehensive report and submitted to the Assembly and Senate Committees on Public Safety.

This bill would extend the pilot program to January 1, 2024, and would instead require, no later than December 31, 2023, the above-specified comprehensive report to be submitted to the Assembly and Senate Committees on Public Safety.

~~Existing law requires all applications for change of names to be made to the superior court of the person’s county of residence, except for minors with a court-appointed guardian. Existing law requires the court in which a petition for a change of name has been filed to issue an order to show cause inviting interested persons to file written objections to the proposed change of name, as specified.~~

~~Existing law authorizes a person to file a petition with the superior court seeking a judgment recognizing their change of gender. Existing law requires all petitions to recognize a change of gender for a minor with a court-appointed guardian to be filed with the court that appointed the guardian.~~

~~This bill would require a petition for a change of name or gender for a minor with a court-appointed guardian or a minor who is a ward of the juvenile court to be made in the court having jurisdiction over the minor. The bill would exempt an action for a change of name of a minor under the jurisdiction of the juvenile court from the requirement that the court issue an order to show cause.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

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

- 1 SECTION 1. Section 1000.7 of the Penal Code is amended to
- 2 read:
- 3 1000.7. (a) The following counties may establish a pilot
- 4 program pursuant to this section to operate a deferred entry of
- 5 judgment pilot program for eligible defendants described in
- 6 subdivision (b):
- 7 (1) County of Alameda.
- 8 (2) County of Butte.
- 9 (3) County of Napa.
- 10 (4) County of Nevada.
- 11 (5) County of Santa Clara.

1 (6) County of Ventura.

2 (b) A defendant may participate in a deferred entry of judgment
3 pilot program within the county’s juvenile hall if that person is
4 charged with committing a felony offense, other than the offenses
5 listed under subdivision (d), pleads guilty to the charge or charges,
6 and the probation department determines that the person meets all
7 of the following requirements:

8 (1) Is 18 years of age or older, but under 21 years of age on the
9 date the offense was committed. A defendant who is 21 years of
10 age or older, but under 25 years of age on the date the offense was
11 committed, may participate in the program with the approval of
12 the multidisciplinary team established pursuant to paragraph (2)
13 of subdivision (m).

14 (2) Is suitable for the program after evaluation using a risk
15 assessment tool, as described in subdivision (c).

16 (3) Shows the ability to benefit from services generally reserved
17 for delinquents, including, but not limited to, cognitive behavioral
18 therapy, other mental health services, and age-appropriate
19 educational, vocational, and supervision services, that are currently
20 deployed under the jurisdiction of the juvenile court.

21 (4) Meets the rules of the juvenile hall developed in accordance
22 with the applicable regulations set forth in Title 15 of the California
23 Code of Regulations.

24 (5) Does not have a prior or current conviction for committing
25 an offense listed under subdivision (c) of Section 1192.7 or
26 subdivision (c) of Section 667.5, or subdivision (b) of Section 707
27 of the Welfare and Institutions Code.

28 (6) Is not required to register as a sex offender pursuant to
29 Chapter 5.5 (commencing with Section 290) of Title 9 of Part 1.

30 (c) The probation department, in consultation with the superior
31 court, district attorney, and sheriff of the county or the
32 governmental body charged with operating the county jail, shall
33 develop an evaluation process using a risk assessment tool to
34 determine eligibility for the program.

35 (d) A defendant is ~~not eligible~~ *ineligible* for the program if the
36 defendant is required to register as a sex offender pursuant to
37 Chapter 5.5 (commencing with Section 290) of Title 9 of Part 1
38 or has been convicted of one or more of the following offenses:

39 (1) An offense listed under subdivision (c) of Section 1192.7.

40 (2) An offense listed under subdivision (c) of Section 667.5.

1 (3) An offense listed under subdivision (b) of Section 707 of
2 the Welfare and Institutions Code.

3 (e) The court shall grant deferred entry of judgment if an eligible
4 defendant consents to participate in the program, waives the right
5 to a speedy trial or a speedy preliminary hearing, pleads guilty to
6 the charge or charges, and waives time for the pronouncement of
7 judgment.

8 (f) (1) If the probation department determines that the defendant
9 ~~is not eligible~~ *ineligible* for the deferred entry of judgment pilot
10 program or the defendant does not consent to participate in the
11 program, the proceedings shall continue as in any other case.

12 (2) If it appears to the probation department that the defendant
13 is performing unsatisfactorily in the program as a result of the
14 commission of a new crime or the violation of any of the rules of
15 the juvenile hall, or that the defendant is not benefiting from the
16 services in the program, the probation department may make a
17 motion for entry of judgment. After notice to the defendant, the
18 court shall hold a hearing to determine whether judgment should
19 be entered. If the court finds that the defendant is performing
20 unsatisfactorily in the program or that the defendant is not
21 benefiting from the services in the program, the court shall render
22 a finding of guilt to the charge or charges pleaded, enter judgment,
23 and schedule a sentencing hearing as otherwise provided in this
24 code, and the probation department, in consultation with the county
25 sheriff, shall remove the defendant from the program and return
26 the defendant to custody in county jail. The mechanism of when
27 and how the defendant is moved from custody in juvenile hall to
28 custody in a county jail shall be determined by the local
29 multidisciplinary team specified in paragraph (2) of subdivision
30 (m).

31 (3) If the defendant has performed satisfactorily during the
32 period in which deferred entry of judgment was granted, at the end
33 of that period, the court shall dismiss the criminal charge or
34 charges.

35 (g) A defendant shall serve no longer than one year in custody
36 within a county's juvenile hall pursuant to the program.

37 (h) The probation department shall develop a plan for reentry
38 services, including, but not limited to, housing, employment, and
39 education services, as a component of the program.

1 (i) The probation department shall submit data relating to the
2 effectiveness of the program to the Division of Recidivism
3 Reduction and Re-Entry, within the Department of Justice,
4 including recidivism rates for program participants as compared
5 to recidivism rates for similar populations in the adult system
6 within the county.

7 (j) A defendant participating in ~~the program pursuant to this~~
8 ~~section~~ *this program* shall not come into contact with minors within
9 the juvenile hall for any purpose, including, but not limited to,
10 housing, recreation, or education.

11 (k) ~~Prior to~~ *Before* establishing a pilot program pursuant to this
12 section, the county shall apply to the Board of State and
13 Community Corrections for approval of a county institution as a
14 suitable place for confinement for the purpose of the pilot program.
15 The board shall review and approve or deny the application of the
16 county within 30 days of receiving notice of this proposed use. In
17 its review, the board shall take into account the available
18 programming, capacity, and safety of the institution as a place for
19 the confinement and rehabilitation of individuals within the
20 jurisdiction of the criminal court, and those within the jurisdiction
21 of the juvenile court.

22 (l) The Board of State and Community Corrections shall review
23 a county's pilot program to ensure compliance with requirements
24 of the federal Juvenile Justice and Delinquency Prevention Act of
25 1974 (34 U.S.C. Sec. 11101 et seq.), as amended, relating to "sight
26 and sound" separation between juveniles and adult inmates.

27 (m) (1) This section applies to a defendant who would otherwise
28 serve time in custody in a county jail. Participation in a program
29 pursuant to this section shall not be authorized as an alternative to
30 a sentence involving community supervision.

31 (2) Each county shall establish a multidisciplinary team that
32 shall meet periodically to review and discuss the implementation,
33 practices, and impact of the program. The team shall include
34 representatives from *all of* the following:

- 35 (A) Probation department.
- 36 (B) The district attorney's office.
- 37 (C) The public defender's office.
- 38 (D) The sheriff's department.
- 39 (E) Courts located in the county.
- 40 (F) The county board of supervisors.

1 (G) The county health and human services department.

2 (H) A youth advocacy group.

3 (n) (1) A county that establishes a pilot program pursuant to
4 this section shall submit data regarding the pilot program to the
5 Board of State and Community Corrections. The data submitted
6 shall be used for the purposes of paragraph (2).

7 (2) The board shall conduct an evaluation of the pilot program’s
8 impact and effectiveness. The evaluation shall include, but not be
9 limited to, evaluating each pilot program’s impact on sentencing
10 and impact on opportunities for community supervision, monitoring
11 the program’s effect on minors in the juvenile facility, if any, and
12 its effectiveness with respect to program participants, including
13 outcome-related data for program participants compared to young
14 adult offenders sentenced for comparable crimes.

15 (3) Each evaluation shall be combined into a comprehensive
16 report and submitted to the Assembly and Senate Committees on
17 Public Safety, no later than December 31, ~~2020~~; 2023.

18 (4) The board may contract with an independent entity,
19 including, but not limited to, the Regents of the University of
20 California, for the purposes of carrying out the duties of the board
21 pursuant to this subdivision.

22 (o) This chapter shall remain in effect only until January 1,
23 ~~2022~~; 2024, and as of that date is repealed, unless a later enacted
24 statute, that is enacted before January 1, ~~2022~~; 2024, deletes or
25 extends that date.

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**All matter omitted in this version of the bill
appears in the bill as amended in the
Assembly, March 11, 2021. (JR11)**