

ASSEMBLY BILL

No. 2723

Introduced by Assembly Member Chávez

February 19, 2016

An act to amend Section 602 of the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2723, as introduced, Chávez. Juveniles: wards.

The Arnold-Kennick Juvenile Court Law provides that any person who is under 18 years of age when he or she violates any criminal law while in this state, except an age curfew ordinance or any other specified offense, comes within the jurisdiction of the juvenile court, which may adjudge the person a ward of the court.

This bill would make technical, nonsubstantive changes to that provision.

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

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

- 1 SECTION 1. Section 602 of the Welfare and Institutions Code
- 2 is amended to read:
- 3 602. (a) Except as provided in subdivision (b), any person
- 4 who is under 18 years of age when he or she violates any law of
- 5 this state or of the United States or any ordinance of any city or
- 6 county of this state defining ~~crime~~ *crime*, other than an ordinance
- 7 establishing a curfew based solely on age, is within the jurisdiction

1 of the juvenile court, which may adjudge ~~such~~ *that* person to be a
2 ward of the court.

3 (b) Any person who is alleged, when he or she was 14 years of
4 age or older, to have committed one of the following offenses shall
5 be prosecuted under the general law in a court of criminal
6 jurisdiction:

7 (1) Murder, as described in Section 187 of the Penal Code, if
8 one of the circumstances enumerated in subdivision (a) of Section
9 190.2 of the Penal Code is alleged by the prosecutor, and the
10 prosecutor alleges that the minor personally killed the victim.

11 (2) The following sex offenses, if the prosecutor alleges that
12 the minor personally committed the offense, ~~and if the prosecutor~~
13 ~~alleges and alleges that~~ one of the circumstances enumerated in
14 ~~the One-Strike law~~, subdivision (d) or (e) of Section 667.61 of the
15 Penal Code, applies:

16 (A) Rape, as described in paragraph (2) of subdivision (a) of
17 Section 261 of the Penal Code.

18 (B) Spousal rape, as described in paragraph (1) of subdivision
19 (a) of Section 262 of the Penal Code.

20 (C) Forcible sex offenses in concert with another, as described
21 in Section 264.1 of the Penal Code.

22 (D) Forcible lewd and lascivious acts on a child under 14 years
23 of age, as described in subdivision (b) of Section 288 of the Penal
24 Code.

25 (E) Forcible sexual penetration, as described in subdivision (a)
26 of Section 289 of the Penal Code.

27 (F) Sodomy or oral copulation in violation of Section 286 or
28 288a of the Penal Code, by force, violence, duress, menace, or fear
29 of immediate and unlawful bodily injury on the victim or another
30 person.

31 (G) Lewd and lascivious acts on a child under 14 years of age,
32 as defined in subdivision (a) of Section 288, unless the defendant
33 qualifies for probation under subdivision (d) of Section 1203.066
34 of the Penal Code.

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