

Senate Bill No. 2165

CHAPTER 843

An act to add Sections 625.3, 626.6, and 629.1 to the Welfare and Institutions Code, relating to juveniles.

[Approved by Governor September 23, 1996. Filed
with Secretary of State September 24, 1996.]

LEGISLATIVE COUNSEL'S DIGEST

SB 2165, Mountjoy. Juveniles: temporary custody.

(1) Existing law authorizes a peace officer to take a minor into temporary custody, without a warrant, when the officer has reasonable cause for believing that the minor has committed a crime.

This bill would provide that a minor who is 14 years of age or older who is taken into custody by a peace officer for the personal use of a firearm, as specified, shall not be released until that minor is brought before a judicial officer.

(2) Under existing law, if an officer who takes a minor into temporary custody, as specified, determines that the minor should be brought to the attention of the juvenile court, he or she is required to either prepare and deliver a written notice to appear before the probation officer, or deliver the minor to the probation officer without unnecessary delay, as provided.

This bill would provide that any peace officer who takes a minor who is 14 years of age or older into temporary custody pursuant to the provision of the bill described in (1) above shall deliver the minor to the probation officer without unnecessary delay, as provided.

(3) Under existing law, upon delivery to the probation officer of a minor who has been taken into temporary custody, as specified, the probation officer is required to immediately investigate the circumstances and release the minor to the custody of his or her parent, guardian, or responsible relative unless one or more specified conditions exist.

This bill would provide that whenever a minor who is 14 years of age or older is delivered to the custody of the probation officer pursuant to the provision of the bill described in (2) above, the probation officer shall retain the minor in custody until the minor is brought before a judicial officer of the juvenile court for a detention hearing.

(4) By requiring increased duties of local officials, the bill would impose a state-mandated local program.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that

reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

SECTION 1. Section 625.3 is added to the Welfare and Institutions Code, to read:

625.3. Notwithstanding Section 625, a minor who is 14 years of age or older and who is taken into custody by a peace officer for the personal use of a firearm in the commission or attempted commission of a felony shall not be released until that minor is brought before a judicial officer.

SEC. 2. Section 626.6 is added to the Welfare and Institutions Code, to read:

626.6. Notwithstanding Section 626.5, any peace officer who takes a minor who is 14 years of age or older into temporary custody under Section 625.3 shall take the minor without unnecessary delay before the probation officer of the county in which the minor was taken into custody, or in which the minor resides, or in which the acts took place or the circumstances exist which are alleged to bring the minor within the provisions of Section 602, and deliver the custody of the minor to the probation officer. The peace officer shall prepare a concise written statement of the probable cause for taking the minor into temporary custody and the reasons the minor was taken into custody and shall provide that statement to the probation officer at the time the minor is delivered to the probation officer.

SEC. 3. Section 629.1 is added to the Welfare and Institutions Code, to read:

629.1. Notwithstanding Section 628 or 628.1, whenever a minor who is 14 years of age or older is delivered to the custody of the probation officer pursuant to Section 626.6, the probation officer shall retain the minor in custody until such time that the minor can be brought before a judicial officer of the juvenile court pursuant to Section 632.

SEC. 4. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for



reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

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