

Date of Hearing: March 3, 2026
Deputy Chief Counsel: Stella Choe

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

AB 1647 (Bryan) – As Introduced January 27, 2026

SUMMARY: Requires the court to find beyond a reasonable doubt, instead of by clear and convincing evidence, that a minor is not amenable to rehabilitation while under the jurisdiction of the juvenile court for purposes of transfer to adult criminal court.

EXISTING LAW:

- 1) Provides, generally, that a minor who is between 12 years of age and 17 years of age, inclusive, when the minor violates any law defining a crime, is subject to the jurisdiction of the juvenile court and to adjudication as a ward. (Welf. & Inst. Code, § 602, subd. (a).)
- 2) Establishes criteria to determine whether to transfer a minor from juvenile court to adult criminal court. (Welf. & Inst. Code, § 707.)
- 3) States that in a case in which a minor is alleged to have committed any felony or any of the enumerated felonies, as specified, when the minor was 16 years of age or older, the prosecutor may make a motion to transfer the minor from juvenile court to a court of criminal jurisdiction. (Welf. & Inst. Code, § 707, subd. (a)(1).)
- 4) States that in a case in which a minor is alleged to have committed any of the enumerated felonies, as specified, when the minor was 14 or 15 years of age, *but was not apprehended prior to the end of juvenile court jurisdiction*, the prosecutor may make a motion to transfer the minor from juvenile court to a court of criminal jurisdiction. (Welf. & Inst. Code, § 707, subd. (a)(2), emphasis added.)
- 5) States that in order to find that the minor should be transferred to a court of criminal jurisdiction, the court shall find *by clear and convincing evidence* that the minor is not amenable to rehabilitation while under the jurisdiction of the juvenile court. In making its decision, the court shall consider the following criteria, inclusive:
 - a) The degree of criminal sophistication exhibited by the minor. The juvenile court shall give weight to any relevant factor, including, but not limited to, the minor's age, maturity, intellectual capacity, and physical, mental, and emotional health at the time of the alleged offense; the minor's impetuosity or failure to appreciate risks and consequences of criminal behavior; the effect of familial, adult, or peer pressure on the minor's actions; the effect of the minor's family and community environment; the existence of childhood trauma; the minor's involvement in the child welfare or foster care system; and the status of the minor as a victim of human trafficking, sexual abuse, or sexual battery on the minor's criminal sophistication;

- b) Whether the minor can be rehabilitated prior to the expiration of the juvenile court's jurisdiction. The juvenile court shall give weight to any relevant factor, including, but not limited to, the minor's potential to grow and mature;
 - c) The minor's previous delinquent history. The juvenile court shall give weight to any relevant factor, including, but not limited to, the seriousness of the minor's previous delinquent history and the effect of the minor's family and community environment and childhood trauma on the minor's previous delinquent behavior;
 - d) Success of previous attempts by the juvenile court to rehabilitate the minor. The juvenile court shall give weight to any relevant factor, including, but not limited to, the adequacy of the services previously provided to address the minor's needs; and,
 - e) The circumstances and gravity of the offense alleged in the petition to have been committed by the minor. The juvenile court shall give weight to any relevant factor, including, but not limited to, the actual behavior of the person, the mental state of the person, the person's degree of involvement in the crime, the level of harm actually caused by the person, and the person's mental and emotional development. The court shall consider evidence offered that indicates that the person against whom the minor is accused of committing an offense trafficked, sexually abused, or sexually battered the minor. (Welf. & Inst. Code, § 707, subd. (a)(3).)
- 6) Enumerates the following predicate offenses which permit transfer of a juvenile to adult court:
- a) Murder;
 - b) Arson;
 - c) Robbery;
 - d) Rape with force, violence, or threat of great bodily harm;
 - e) Sodomy by force, violence, or threat of great bodily harm;
 - f) A lewd or lascivious act on a minor under 14 years of age by force, violence, or threat of great bodily harm;
 - g) Oral copulation by force, violence, duress, menace, or threat of great bodily harm;
 - h) Sexual penetration by force, violence, duress, menace, or threat of great bodily harm;
 - i) Kidnapping for ransom;
 - j) Kidnapping for purposes of robbery;
 - k) Kidnapping with bodily harm;
 - l) Attempted murder;
 - m) Assault with a firearm or destructive device;
 - n) Assault by means of force likely to produce great bodily injury;
 - o) Discharge of a firearm into an inhabited or occupied building;
 - p) Causing great bodily injury in the commission of specified offenses against a person who is 60 years of age or older; or against a person who is blind, a paraplegic, a quadriplegic, or a person confined to a wheelchair;
 - q) Personal use of a firearm during the commission of a felony;
 - r) Personal use of a weapon;
 - s) Dissuading a witness or influencing testimony;
 - t) Manufacturing, compounding, or selling one-half ounce or more of a salt or solution of a specified controlled substance;

- u) A “violent” felony committed for the benefit of a criminal street gang;
- v) Escape, by use of force or violence, from a county juvenile hall, home, ranch, camp or forestry camp if great bodily injury is intentionally inflicted upon an employee of the juvenile facility during the escape;
- w) Torture;
- x) Aggravated mayhem;
- y) Carjacking while armed with a dangerous and deadly weapon;
- z) Kidnapping for purposes of sexual assault;
- aa) Kidnapping in the course of a carjacking;
- bb) Drive by shooting;
- cc) Exploding a destructive device with intent to commit murder; and,
- dd) Voluntary manslaughter. (Welf. & Inst. Code, § 707, subd. (b).)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's Statement:** According to the author, "Placing young people in the adult prison system should be the absolute last option. This bill makes sure the highest legal standards are met before making this life-altering decision."
- 2) **Juvenile Court Jurisdiction:** As a general rule, any person between the age of 12 and 17 who commits a crime falls within the jurisdiction of the juvenile court. (Welf. & Inst. Code, § 602.) This extends to a youth alleged to have committed a crime before their 18th birthday, even if they were an adult at the time of arrest or commencement of proceedings. (Welf. & Inst. Code, § 603.) For example, if someone commits a crime at age 17, but it is not discovered or tried until the person is 20, the person can still be tried in juvenile court. The jurisdiction of the juvenile court continues until the youth is 23 years old, unless the youth would have, in criminal court, faced a sentence of 7 years or more, in which case the juvenile court's jurisdiction continues until the youth turns 25. (Welf. & Inst. Code, § 607.)

The creation of the juvenile court, now over 100 years old, was rooted in the idea that adolescents, who are not fully developed or mature, are less culpable than adults. Accordingly, the focus of the juvenile court was rehabilitation, not punishment. (See e.g., *In re Gault* (1967) 387 U.S. 1, 15-16.) The purpose of the juvenile law is to provide for the protection and safety of the public and each minor under the jurisdiction of the court and to preserve and strengthen family ties when possible. (Welf. & Inst. Code, § 202, subd. (a).) Minors under the jurisdiction of the juvenile court as a consequence of delinquent conduct receive care, treatment, and guidance that is consistent with their best interest, that holds them accountable for their behavior, and that is appropriate for their circumstances. This may include punishment that is consistent with rehabilitative objectives. (Welf. & Inst. Code, § 202, subd. (b).) The juvenile court has a wide range of options available for placing its wards, including probation, placement in a relative's home, foster home, licensed community care facility, or group home, and commitment to “a juvenile home, ranch, camp, or forestry camp” or “the county juvenile hall.” (Welf. & Inst. Code, §§ 727, subd. (a); 730, subd. (a)(1).)

- 3) **History of Juvenile Transfer Policies:** In 1961, the Legislature set 16 years old as the minimum age that a minor could be transferred to adult criminal court. (*O.G. v. Superior*

Court (2021) 11 Cal.5th 82, 88.) In 1995, the state began to move away from this rule by permitting some 14- and 15-year-olds to be transferred to criminal court. (*Ibid.*) In 2000, the voters passed Proposition 21 which required prosecutors to charge minors 14 years or older directly in criminal court for specified murder and sex crimes. Additionally, the Proposition gave prosecutors discretion to charge minors 14 or older directly in adult criminal court for other serious specified offenses. (*Ibid.*)

In the years following the passage of Proposition 21, the United State Supreme Court issued several opinions regarding the need to treat juveniles differently from adults in the criminal justice system. Developments in scientific research on adolescent brain development confirmed that children are different from adults in their relative culpability and rehabilitation possibilities and that such differences are critical to identifying age-appropriate sentences. (See, e.g., [Roper v. Simmons \(2005\) 543 U.S. 551, 569–571 \[prohibited capital punishment for juveniles\]](#); [Graham v. Florida \(2010\) 560 U.S. 48, 68–75 \[prohibited life without the possibility of parole \(LWOP\) for juveniles in non-homicide cases\]](#); [Miller v. Alabama \(2012\) 567 U.S. 460, 469–470 \[prohibited mandatory LWOP sentences for juveniles\]](#).) The Court summarized those differences in *Miller*:

Roper and *Graham* establish that children are constitutionally different from adults for purposes of sentencing. Because juveniles have diminished culpability and greater prospects for reform, we explained, “they are less deserving of the most severe punishments.” *Graham*, 560 U.S., at 68, 130 S.Ct. 2011, 176 L.Ed. 2d 825. Those cases relied on three significant gaps between juveniles and adults. First, children have a “lack of maturity and an underdeveloped sense of responsibility,” leading to recklessness, impulsivity, and heedless risk-taking. *Roper*, 543 U.S., at 569, 125 S.Ct. 1183, 161 L.Ed. 2d 1. Second, children “are more vulnerable . . . to negative influences and outside pressures,” including from their family and peers; they have limited “contro[l] over their own environment” and lack the ability to extricate themselves from horrific, crime-producing settings. *Ibid.* And third, a child’s character is not as “well formed” as an adult’s; his traits are “less fixed” and his actions less likely to be “evidence of irretrievabl[e] deprav[ity].” (*Miller, supra*, 567 U.S. at 570.)

The California Supreme Court, relying on *Graham* and *Miller*, found that a determinate sentence that exceeds the expected lifetime of the juvenile defendant violates the Eighth Amendment because it effectively denies a juvenile any opportunity to demonstrate rehabilitation (*People v. Caballero* (2012) 55 Cal.4th 262, 267) and that a law that provides a presumption in favor of LWOP for juveniles also violates the Eighth Amendment (*People v. Gutierrez* (2014) 58 Cal.4th 1354, 1375-1376).

Following this body of case law and research, several measures were adopted to reflect the scientific evidence and constitutional mandate to treat juveniles differently than adults. In 2016, Proposition 57 eliminated direct filing in adult court by amending Welfare and Institutions Code section 707 to require a transfer hearing to be held before a minor can be prosecuted in adult court. In 2018, the Legislature raised the youngest age a minor could be tried as an adult back to 16. (SB 1391 (Lara), Ch. 1012, Stats. 2018.) The age change was challenged as an invalid amendment to Proposition 57 but the California Supreme Court ultimately ruled that SB 1391 furthered the ameliorative purposes of Proposition 57 and the

proposition authorized such amendments by a majority vote of the Legislature. (*People v. Superior Court (O.G.)* (2021) 11 Cal.5th 82.)

- 4) **Transfer Criteria:** The issue in a juvenile transfer hearing “is not whether the minor committed a specified act, but rather whether [they are] amendable to the care, treatment and training program available through the juvenile court facilities....” (*People v. Chi Ko Wong* (1976) 18 Cal.3d 698, 717, disapproved on another point in *People v. Green* (1980) 27 Cal.3d 1, 33.) Under current law, the prosecution may move to transfer to adult criminal court any minor 16 years of age or older who is alleged to have committed a felony criminal offense. (Welf. & Inst. Code, § 707, subd. (a)(1).) The prosecution may also move to transfer to adult court a person who was 14 or 15 years of age at the time the person was alleged to have committed a specified serious or violent felony, but who was not apprehended prior to the end of juvenile court jurisdiction. (Welf. & Inst. Code, §§ 707, subds. (a)(2) & (b).) Existing law requires the juvenile court to find *by clear and convincing evidence* that the minor is not amenable to rehabilitation while under the jurisdiction of the juvenile court in order to find that the minor should be transferred to adult criminal court. (Welf. & Inst. Code § 707, subd. (a)(3), emphasis added.)

In making its transfer decision, the court must consider the following: the minor’s degree of criminal sophistication, whether the minor can be rehabilitated in the time before the juvenile court would lose jurisdiction over the minor, the minor’s prior history of delinquency, the success of prior attempts by the juvenile court to rehabilitate the minor, and the circumstances and gravity of the charged offense. (Welf. & Inst. Code, § 707, subd. (a)(3)(A)-(E).) Existing law provides guidance to the juvenile court when considering each of these criteria. Existing law specifies that when evaluating the degree of criminal sophistication exhibited by the minor, the juvenile court may give weight to any relevant factor, including, but not limited to, the minor’s age, maturity, intellectual capacity, and physical, mental, and emotional health at the time of the alleged offense, the minor’s impetuosity or failure to appreciate risks and consequences of criminal behavior, the effect of familial, adult, or peer pressure on the minor’s actions, and the effect of the minor’s family and community environment and childhood trauma on the minor’s criminal sophistication. (Welf. & Inst. Code, § 707, subd. (a)(3)(A)(ii).) Existing law additionally specifies that when evaluating the minor’s previous delinquent history, the juvenile court may give weight to any relevant factor, including, but not limited to, the seriousness of the minor’s previous delinquent history and the effect of the minor’s family and community environment and childhood trauma on the minor’s previous delinquent behavior. (Welf. & Inst. Code, § 707, subd. (a)(3)(C)(ii).) Existing law states that in evaluating the circumstances and gravity of the offense alleged in the petition to have been committed by the minor, the juvenile court shall give weight to any relevant factor, including, but not limited to, the actual behavior of the person, the mental state of the person, the person’s degree of involvement in the crime, the level of harm actually caused by the person, and the person’s mental and emotional development. The court shall consider evidence offered that indicates that the person against whom the minor is accused of committing an offense trafficked, sexually abused, or sexually battered the minor. (Welf. & Inst. Code, § 707, subd. (a)(3)(E).)

Existing law requires a court to find *by clear and convincing evidence* that a minor is not amenable to rehabilitation while under the jurisdiction of the juvenile court in order to find that the minor should be transferred to adult criminal court. “Clear and convincing” means that the evidence is highly and substantially more likely to be true than untrue; the trier of

fact must have an abiding conviction that the truth of the factual contention is highly probable. (*Colorado v. New Mexico* (1984) 467 U.S. 310.) Prior to 2023, the law required the court to make this finding by a *preponderance of the evidence*. The “preponderance of the evidence standard” is met if the trier of fact (judge or jury) believes the evidence shows that a fact is more likely than not—more than 50% likely to be—true. (*Braud v. Kinchen* (1975) 310 So.2d 657.)

In 2022, the Legislature passed AB 2361, which, among other things, raised the legal standard for transfer hearings from preponderance of evidence to clear and convincing evidence.¹ The bill passed out of both Legislative houses without any registered opposition. According to a committee analysis of AB 2361²:

The California Supreme Court has called the transfer of a minor from juvenile court for prosecution in adult court “the worst punishment the juvenile system is empowered to inflict.” (*Ramona R. v. Superior Court* (1985) 37 Cal.3d 802, 810.) Despite the enormous consequence of the transfer decision, current statutory provisions provide insufficient guidance as to how the juvenile court should make its determination.

Over 50 years ago, the California Supreme Court held that “the dispositive question [at a transfer hearing] is the minor’s amenability to treatment through the facilities available to the juvenile court.” (*Jimmy H. v. Superior Court* (1970) 3 Cal.3d 709, 714; see also *People v. Chi Ko Wong* (1976) 18 Cal.3d 698, 717 (holding that the issue at a transfer hearing “is not whether the minor committed a specified act, but rather whether he is amenable to the care, treatment and training program available through juvenile court facilities”); *J.N. v. Superior Court* (2018) 23 Cal.App.5th 706, 714 (“There must be substantial evidence adduced at the hearing that the minor is not a fit and proper subject for treatment as a juvenile before the court may certify him to the superior court for prosecution.”)) However, current statutory provisions do not explicitly reflect this principle, nor do they direct how the juvenile court should exercise its discretion.

By providing a clear legal standard, AB 2361 will reduce arbitrary determinations, ensure that youth amenable to treatment and rehabilitation will be retained in juvenile court, and will allow appellate courts more effectively to review the lower court’s holdings to determine whether the transfer was based on clear and convincing evidence.

This bill raises the standard of proof by which the juvenile court is to make the determination that a minor should be transferred to adult criminal court, from clear and convincing evidence to beyond a reasonable doubt that the minor is not amenable to rehabilitation while under the jurisdiction of the juvenile court. The beyond a reasonable doubt standard, the most rigorous standard of proof, applies to findings of guilt in criminal matters. It requires the trier of fact to hold “an abiding conviction that the charge is true” although it “need not eliminate

¹ AB 2361 (Bonta), Chapter 330, Statutes of 2022.

² Sen. Comm. On Pub. Safety, Analysis of Assem. Bill No. 2361 (2021-2022 Reg. Sess.) as amended Mar. 31, 2022, p. 4.

all possible doubt.” (CALCRIM No. 220.) Increasing the legal standard to beyond a reasonable doubt will likely result in more juveniles being retained in juvenile court.

According to the California Department of Justice’s *Juvenile Justice in California 2024* report, an annual report on juvenile justice in the state, of the 24 transfer hearings reported by probation departments, 5 minors were found unfit for juvenile court and were transferred to adult criminal court and 19 were determined to be fit and remained in the juveniles system.³ There were a total of 89 adult-level court dispositions received in 2024.⁴ The report shows there are racial disparities with respect to transfer orders. Of juveniles who received adult court dispositions, 7.9% were white, 61.8% were Hispanic, 25.8% were Black, and 4.5% were from other race/ethnic groups.⁵ Studies also indicate that youth transferred to adult court have negative impacts on likelihood of victimization, behavioral issues, recidivism and rehabilitation than youth who are retained in the juvenile system.⁶

If a minor is transferred to adult criminal court, the minor is entitled to a jury trial instead of a bench trial and faces a conviction and traditional sentencing, which may constitute a “strike” for future sentencing.

- 5) **Retroactivity:** Retroactivity⁷ means whether a change in sentencing or constitutional interpretation should be applied to cases where the penalty may already be imposed and appeals exhausted. As a general matter, Penal Code section 3 states “No part of it (meaning the codes) is retroactive, unless expressly so declared.” If retroactivity is not specified, the law is not applied retroactively. However, beginning in 1965, *if a defendant’s case is still pending at the time of the change and the law seeks to lessen a criminal penalty, they may be eligible for application of the new law. (In re Estrada (1965) 63 Cal.2d 740, 746 (hereinafter “Estrada”).)* This is known as the “final judgement rule.”

Estrada and other cases since 1965 have held “new laws that reduce the punishment for a crime are presumptively to be applied to defendants whose judgments are not yet final.” (*People v. Conley* (2016) 63 Cal.4th 646, 656, citing *Estrada*, 63 Cal.2d at 746).)

The *Estrada* presumption [of retroactivity] stems from our understanding that when the Legislature determines a lesser punishment is appropriate for a particular offense or class of people,

³ *Juvenile Justice in California, 2024*, CA Department of Justice, p. 38 <https://data-openjustice.doj.ca.gov/sites/default/files/2025-07/Juvenile%20Justice%20In%20CA%202024%20final.pdf>. (July 2024.)

⁴ *Id.* at p. 45.

⁵ *Id.* at p. 47.

⁶ *Technical Assistance: Maintaining Youth in Juvenile Court: Published Research*, Office of Youth and Community Restoration (May 2023).

⁷ The California Supreme Court in *People v. Burgos* (2024) 16 Cal.5th 1 ruled that a defendant was not eligible for a bifurcated trial on a gang enhancement pursuant to Penal Code section 1109, as enacted in 2021 (Stats. 2021, ch. 699, § 5.) The Court correctly rejected *Estrada* as applied to the defendant’s case because Penal Code section 1109 was not a criminal penalty reduction, but rather a “prophylactic rule of criminal procedure....” Accordingly, the general rule rejecting retroactivity unless otherwise specified by the statute controlled. In his concurrence, Justice Gorban asked the Legislature to consider the retroactive application of new laws, particularly where the statute is not a clear reduction of a criminal penalty, and to express their intent regarding whether any changes in that kind of legislation should be applied retroactively.

it generally does not wish the previous, greater punishment—which it now deems too severe—to apply going forward. We presume the Legislature intends the reduced penalty to be used instead in all cases in which there is no judgment or a nonfinal one, and in which it is constitutionally permissible for the new law to control. (People v. Padilla (2022) 13 Cal.5th 152, 162, emphasis added.)

Finality is broadly construed by the courts but generally means where a criminal proceeding has not yet reached final disposition in the highest court authorized to review it. (*People v. Esquivel* (2021) 11 Cal.5th 671, 677.)

Recently, we held that ‘a convicted defendant who [was] placed on probation after imposition of sentence [was] suspended, and who [did] not timely appeal from the order granting probation, [could] take advantage of ameliorative statutory amendments that [took] effect during a later appeal from a judgment revoking probation and imposing sentence.’ We reasoned that the defendant’s “prosecution had not been ‘reduced to final judgment at the time the ameliorative legislation was enacted as the criminal proceeding ... [meaning it] ha[d] not yet reached final disposition in the highest court authorized to review it (Internal citations omitted).” (*People v. Esquivel, supra*, 11 Cal.5th at 677, citing *People v. McKenzie* (2020) 9 Cal.5th 40, 43-45.)⁸

Estrada’s inference of retroactivity has been applied when the Legislature creates “a concrete avenue for certain individuals charged with a criminal offense to be treated more leniently or to avoid punishment altogether.” (*Burgos, supra in footnote*, 16 Cal.5th at p. 13 citing *People v. Frahs* (2020) 9 Cal.5th 618, 624; see also *People v. Wright* (2006) 40 Cal.4th 81 [newly enacted affirmative defense applies retroactively].)

This bill would increase the burden of proof required to transfer a minor from juvenile court to adult criminal court from the current standard of clear and convincing evidence to beyond a reasonable doubt. Because this change would make it harder to transfer juveniles to adult criminal court, which would be considered an ameliorative change in the law,⁹ *Estrada’s* inference of retroactivity would apply to nonfinal cases without specific direction from the Legislature. (See *In re E.P.* (2023) 89 Cal.App.5th 409, 416 [New fitness hearing ordered after burden of proof in Welfare and Institutions Code section 707 was increased from preponderance of evidence to clear and convincing evidence.])

⁸ See also *Padilla, supra*, 13 Cal.5th at 161 (holding that “non-final” includes any case remanded following a habeas petition).

⁹ See *People v. Superior Court (Lara)* (2018) 4 Cal.5th 299, 302 where California Supreme Court held that “[t]he possibility of being treated as a juvenile in juvenile court—where rehabilitation is the goal—rather than being tried and sentenced as an adult can result in dramatically different and more lenient treatment,” and concluded “[f]or this reason, *Estrada’s* inference of retroactivity applies.”

- 6) **Argument in Support:** According to *Fresh Lifelines for Youth*, “The bill raises the evidentiary standard at transfer hearings from “clear and convincing evidence” to “beyond a reasonable doubt.” Maintains judicial discretion to transfer youth when appropriate but ensures the highest standard of proof is applied before imposing this irreversible decision. Aligns the standard of proof with the severe and permanent consequences of adult prosecution.

“In the juvenile legal system, transfer to adult criminal court is, as the California Supreme Court has recognized: “the worst punishment the juvenile system is empowered to inflict.” (Ramona R. v. Superior Court (1985) 37 Cal.3d 802, 810.) Yet under current law, that punishment can be imposed under a “clear and convincing” standard — a standard used in civil proceedings where the consequences are less severe. In adult criminal cases, the highest burden of proof, beyond a reasonable doubt, is required because the consequence—deprivation of liberty—is the most severe power the state yields. Even in minor criminal matters that might have fewer consequences, like shoplifting or a traffic ticket, an adult cannot be convicted without proof beyond a reasonable doubt.

“For youth facing transfer hearings, the stakes could not be higher. Transferring a youth to adult court is a final, devastating judgment. When a juvenile court mistakenly sends a youth to adult court, they take away a young person's best opportunity for rehabilitation. If courts already recognize that the consequences of transfer on youth are uniquely severe, the standard of proof must also reflect that severity to minimize the risk of wrong decisions.”

- 7) **Argument in Opposition:** According to the *California District Attorneys Association*, “After the standard was increased to a clear and convincing standard, there was a significant decrease in juvenile cases being transferred to criminal court jurisdiction. In 2023, there were a total of 36 transfer hearings and 12 of those cases were transferred to the criminal court. In 2024, there were a total of 24 transfer hearings, and 5 of those cases were transferred to the criminal court. [See *Juvenile Justice in California 2023 and 2024*, Office of the Attorney General]

“AB 1647 would unnecessarily increase the standard of proof to the highest legal standard, beyond a reasonable doubt. The bill would restrict the court’s ability to respond appropriately in the most egregious cases. A request to transfer a case to the criminal court is reserved for those cases that involve the most egregious and violent crimes of murder, rape with force, sodomy with force, lewd and lascivious sexual acts on children with force, mayhem and kidnapping.

“During a transfer hearing, a minor is afforded full due process protection and the ability to present evidence and cross-examine witnesses. In 2024, SB 545 amended WIC 707(a) to require the court to consider the status of the minor as a victim of human trafficking, sexual abuse, or sexual battery. The court must also consider evidence of a minor’s childhood trauma, their age, maturity, intellectual capacity, physical mental and emotional health at the time of the alleged offense, the effect of peer pressure on the minor’s actions and the effect of the minor’s family and community environment.

“This bill would make it nearly impossible to transfer the most serious cases to criminal jurisdiction. The highest burden, beyond a reasonable doubt, would increase public safety

concerns.”

8) **Related Legislation:** AB 2040 (Macedo) would reduce the burden of proof for transferring minors to adult criminal court from clear and convincing evidence to preponderance of the evidence that the minor is not amenable to rehabilitation while under the jurisdiction of the juvenile court. AB 2040 is pending referral.

9) **Prior Legislation:**

- a) AB 2361 (Bonta), Chapter 330, Statutes of 2022, increased the burden of proof from preponderance of the evidence to clear and convincing evidence for a court to find that a minor should be transferred to adult criminal court.
- b) AB 624 (Bauer-Kahan), Chapter 195, Statutes of 2021, made an order transferring a minor from a juvenile court to a court of criminal jurisdiction subject to appeal, as specified.
- c) AB 1423 (Wicks), Chapter 583, Statutes of 2019, created a mechanism for the return of a case back to the juvenile court from the criminal court under certain circumstances.
- d) AB 2865 (Wicks), of the 2019-2020 Legislative Session, would have required a court to find that a minor is not amenable to rehabilitation while under the jurisdiction of the juvenile court in order to find that the minor should be transferred to a court of criminal jurisdiction. AB 2865 was held in this Committee without a hearing.
- e) SB 439 (Mitchell), Chapter 1006, Statutes of 2018, prohibited the prosecution of a minor under the age of 12, unless the minor is alleged to have committed specified violent crimes.
- f) SB 1391 (Lara), Chapter 1012, Statutes of 2018, repealed the authority of a district attorney to make a motion to transfer a minor from juvenile court to a court of criminal jurisdiction in a case in specified cases, unless the individual was not apprehended prior to the end of juvenile court jurisdiction.
- g) SB 382 (Lara), Chapter 382, Statutes of 2015, enumerated certain factors that may be given weight within each of the criteria to be determined by a court in order to find that the minor should be transferred to a court of criminal jurisdiction.
- h) SB 1151 (Kuehl), of the 2003-2004 Legislative Session, would have clarified the definition of the “circumstances and gravity of the offense” for purposes of evaluating the fitness of a minor for juvenile court jurisdiction. SB 1151 was vetoed.
- i) AB 560 (Peace), Chapter 453, Statutes of 1994, lowered the age from 16 to 14 at which a juvenile could be transferred to adult criminal court and be tried as an adult for committing certain crimes.

REGISTERED SUPPORT / OPPOSITION:

Support

All of US or None (HQ)
Alliance for Boys & Men of Color
Anti-recidivism Coalition
Arts for Healing and Justice Network
California Alliance for Youth and Community Justice
California Attorneys for Criminal Justice
California Public Defenders Association
California United for a Responsible Budget (CURB)
Cancel the Contract
Children's Advocacy Institute
Children's Defense Fund-California
Communities United for Restorative Youth Justice (CURYJ)
Courage California
Ella Baker Center for Human Rights
Fresh Lifelines for Youth
Hang Out Do Good
Haywood Burns Institute
Hoops 4 Justice
Initiate Justice
Inside Out Writers
Justice2jobs Coalition
LA Defensa
Legal Services for Prisoners With Children
Liberty Hill Foundation
Local 148 LA County Public Defenders Union
Los Angeles County Public Defender's Office
Loyola Law School's Youth Justice Education Clinic
Milpa Collective
National Center for Youth Law
National Institute for Criminal Justice Reform
Peace and Justice Law Center
Public Works Alliance
San Francisco Public Defender
Santa Cruz Barrios Unidos
Silicon Valley De-bug
Sister Warriors Freedom Coalition
The Change Parallel Project
The Children's Partnership
The Collective for Liberatory Lawyering
Tia Chucha's Centro Cultural
Ujima Adult and Family Services
Underground Grit
Urban Peace Institute
Youth Alliance

Youth Forward
Youth Leadership Institute

Opposition

California District Attorneys Association
California Police Chiefs Association
California State Sheriffs' Association
Chief Probation Officers' of California (CPOC)

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