

CONCURRENCE IN SENATE AMENDMENTS

AB 1647 (Bryan)

As Amended June 25, 2026

Majority vote

SUMMARY

Prohibits testimony a minor gives at a transfer hearing, or statements the minor makes to the minor's probation officer, from being used against the minor in subsequent proceedings.

Senate Amendments

- 1) Clarify that statements the minor makes to a probation officer are those made for purposes of preparing a report for a transfer hearing.
- 2) Make technical changes.

COMMENTS

As Passed by the Assembly, this bill: Prohibited testimony a minor gives at a transfer hearing, or statements the minor makes to the minor's probation officer, from being used against the minor in subsequent proceedings.

- 1) Stated that testimony a minor gives at a transfer hearing, or statements the minor makes to the minor's probation officer, shall not be used against the minor in subsequent juvenile proceedings or subsequent criminal proceedings for the offense.
- 2) Specified that this provision does not prohibit statements made by the minor to the minor's probation officer or at a transfer hearing from being used at sentencing.
- 3) Provided that this provision is declaratory of existing law and shall not be construed to restrict, expand, alter, or modify the decision in *Bryan v. Superior Court*, 7 Cal.3d 575 (1972) or *Ramona R. v. Superior Court*, 37 Cal.3d 802 (1985).

According to the Author

"Young people deserve to have certainty that their right to speak is protected during a fitness hearing. Case law is clear on this, and it's time California Statute affirms and codifies that case law".

Arguments in Support

According to *Hoops 4 Justice*, a co-sponsor of this bill, "AB 1647 bill does not expand the law or create new rights. It simply gives the clarity and permanence of statute to protections that California courts have recognized for decades. A young person must be able to participate in these proceedings and engage with probation officers, without fear that their words will later be used against them. California courts have upheld this principle since *Bryan v. Superior Court* (1972) and *Ramona R. v. Superior Court* (1985). Together, these cases establish that statements a young person makes at a transfer hearing or to a probation officer in connection with those proceedings may not be used against that youth in subsequent juvenile or criminal proceedings. AB 1647 makes these protections permanent, transparent, and guaranteed to every young person in every courtroom across the state."

Arguments in Opposition

According to the *California District Attorneys Association*, "During a transfer hearing, a minor is afforded full due process protection under the Fifth and Fourteenth Amendments. If a minor elects to testify under oath, and is subject to cross examination, a prosecutor may use this testimony for substantive evidence or impeachment in a subsequent juvenile or criminal trial."

FISCAL COMMENTS

Unknown. This bill is keyed non-fiscal by the Legislative Counsel.

VOTES:**ASM PUBLIC SAFETY: 9-0-0**

YES: Schultz, Alanis, Mark González, Haney, Harabedian, Lackey, Nguyen, Ramos, Sharp-Collins

ASSEMBLY FLOOR: 71-0-9

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Berman, Boerner, Bonta, Bryan, Calderon, Carrillo, Castillo, Connolly, Davies, Dixon, Elhawary, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

ABS, ABST OR NV: Arambula, Bennett, Caloza, Chen, DeMaio, Ellis, Macedo, Michelle Rodriguez, Tangipa

SENATE FLOOR: 32-8-0

YES: Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Cortese, Dahle, Durazo, Gonzalez, Grayson, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Padilla, Pérez, Reyes, Richardson, Rubio, Smallwood-Cuevas, Stern, Umberg, Wahab, Weber Pierson, Wiener

NO: Alvarado-Gil, Choi, Grove, Niello, Ochoa Bogh, Seyarto, Strickland, Valladares

UPDATED

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