

## ASSEMBLY THIRD READING

AB 2636 (Pacheco)

As Amended March 16, 2026

Majority vote

**SUMMARY**

Requires the court to consider, for purposes of determining suitability of a minor for deferred entry of judgement (DEJ), whether the minor is charged with an offense of carrying a loaded firearm in public.

**Major Provisions****COMMENTS****According to the Author**

"California continues to face a serious challenge with youth access to firearms. In recent years, juvenile violent crime arrests have increased, and firearms remain a leading cause of death among children and adolescents, underscoring the urgency of this issue. Existing law prohibits minors from possessing firearms. However, these cases still are eligible for Deferred Entry of Judgment (DEJ), a program intended for first-time, low-level offenses to provide an offramp from further justice involvement by allowing a court to order programming or treatment to address the underlying criminal factors. This bill requires courts, when determining suitability for Deferred Entry of Judgment (DEJ), to consider whether the offense charged is possession of a loaded firearm, a violation of Penal Code 25850. AB 2636 represents a balanced and necessary change to ensure that courts are giving consideration to this specific offense of carrying a loaded firearm, which has significant impact and consequence to our communities, when looking at the appropriate disposition for these cases. This ensures that conduct posing a significant risk to public safety is addressed with appropriate rehabilitative and accountability interventions. AB 2636 prioritizes public safety while preserving rehabilitative opportunities for youth that promote community safety."

**Arguments in Support**

According to the *California Police Chiefs Association*, the sponsor of this bill, "AB 2636 requires courts, when determining suitability for Deferred Entry of Judgment (DEJ), to explicitly consider whether the offense charged involves possession of a loaded firearm. This is a targeted and thoughtful reform that ensures courts are appropriately weighing the seriousness of firearm-related offenses when determining the most suitable rehabilitative pathway for youth.

"Deferred Entry of Judgment plays an important role in California's juvenile justice system by providing first-time, nonviolent offenders with an opportunity to avoid formal adjudication through successful completion of programming. However, as currently structured, DEJ does not adequately account for the seriousness of certain offenses—particularly those involving firearms. As noted by the Chief Probation Officers of California, DEJ was never intended to address higher-risk offenses that present significant safety concerns to the public.

"Recent data underscores the urgency of this issue. Juvenile involvement in violent crime is increasing, with violent felony arrests rising significantly in recent years. The presence of a loaded firearm in the hands of a minor dramatically elevates the risk of harm—not only to the community, but to the youth themselves. These cases require structured intervention, supervision, and accountability that go beyond what DEJ is designed to provide.

"Importantly, AB 2636 does not eliminate DEJ eligibility, nor does it mandate a particular outcome. Instead, it ensures that courts give appropriate weight to firearm possession when making individualized determinations. This approach preserves judicial discretion while reinforcing the importance of public safety considerations in these cases. It aligns with best practices in juvenile justice by directing higher-risk cases toward more structured supervision and services designed to reduce recidivism and promote long-term rehabilitation."

### **Arguments in Opposition**

According to *California Youth Defender Center*, "Juvenile DEJ offers an opportunity for youth to have their cases dismissed and records sealed upon the successful completion of treatment and supervision in a community setting. Eligible youth must admit all allegations charged and waive the right to a speedy jurisdictional hearing. If a youth subsequently commits a felony offense or two or more misdemeanors, the deferred judgment is imposed.

"Under existing law, a juvenile court may consider whether a youth charged with a first-time, non-violent offense would benefit from education, treatment, and rehabilitation when determining whether to grant DEJ. AB 2636 impedes this process by requiring the court to specifically consider whether the offense charged includes possession of a loaded firearm, making it less likely that youth charged with a first offense will be able to benefit from these programs.

"While reducing gun possession among youth should be a priority, this bill increases punishment for youth without improving public safety. Despite an uptick in gun sales during the pandemic, the share of U.S. youth who carry guns has decreased. At the same time, responses to youth charged with weapon possession have grown increasingly punitive over the last decade.

"Current law provides that youth charged with a felony shall be screened by the prosecution for statutory eligibility for DEJ. Statutory eligibility specifically excludes certain offenses from consideration (Welf. & Inst. Code Section 790(a)). If the youth meets eligibility criteria, they are then screened for suitability by both the probation department—which prepares a thorough written report—and the court.

"The court, by statute (Welf. & Inst. Code Section 790) and by California Rule of Court 5.800, must find that the youth is suitable and would derive benefit from education, treatment, and rehabilitation efforts offered by DEJ. The court considers the nature of the offense, the youth's prior record (if any), and the current status of the youth—including school status, home conditions, and the youth's willingness to cooperate. If the youth is both eligible and suitable, they admit the charge and are placed on up to three years of probation. If successful, the youth's record is sealed.

"It is well-established that longer periods of confinement produce higher rates of recidivism for youth.<sup>3</sup> Recently, the Office of Youth and Community Restoration recognized that community-based alternatives to incarceration reduce further system involvement, decrease life disruption, and promote positive health and social outcomes.

"AB 2636 proposes a solution to a problem that does not exist. Because the court must already consider the nature of the offense, this additional requirement adds nothing to the legal analysis. Instead, AB 2636 will reduce opportunities for youth charged with a first-time, non-violent offense to participate in DEJ, thereby increasing the number of youth incarcerated at juvenile detention facilities and driving up costs without providing a benefit to public safety."

**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

**UPDATED**

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