
THIRD READING

Bill No: AB 2636
Author: Pacheco (D)
Amended: 3/16/26 in Assembly
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 5-0, 6/9/26

AYES: Arreguín, Seyarto, Caballero, Cortese, Wiener

NO VOTE RECORDED: Pérez

ASSEMBLY FLOOR: 59-0, 5/7/26 - See last page for vote

SUBJECT: Juveniles

SOURCE: California Police Chiefs Association
Chief Probation Officers' of California

DIGEST: This bill 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 carrying a loaded firearm in public.

ANALYSIS:

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. (Welfare (Welf.) & Institutions (Inst.) Code, § 602, subd. (a).)
- 2) Requires, whenever a case is before the juvenile court for a determination of whether a minor may be adjudicated as a ward because of the commission of a felony offense, the minor to be considered for DEJ if all of the following circumstances apply:

- a) The minor has not previously been declared to be a ward of the court for the commission of a felony offense;
 - b) The offense charged is not a Section 707(b) offense;
 - c) The minor has not previously been committed to the custody of the Department of Corrections and Rehabilitation (CDCR), Division of Juvenile Facilities;
 - d) The minor's record does not indicate that probation has ever been revoked without being completed;
 - e) The minor is at least 14 years of age at the time of the hearing;
 - f) The minor is eligible for probation; and,
 - g) The offense charged is not rape, sodomy, oral copulation, or an act of sexual penetration when the victim was prevented from resisting due to being rendered unconscious by any intoxicating, anesthetizing, or controlled substance, or when the victim was at the time incapable, because of mental disorder or developmental or physical disability, of giving consent, and that was known or reasonably should have been known to the minor at the time of the offense. (Welf. & Inst. Code, § 790, subd. (a).)
- 3) Requires the prosecuting attorney to review their file to determine whether the minor is eligible for DEJ based on the factors listed above, and if so determined, requires the prosecuting attorney to file a declaration with the court or state for the record the grounds upon which the determination is based. Requires this information to be available to the minor and their attorney. (Welf. & Inst. Code, § 790, subd. (b).)
- 4) Authorizes the court, upon a finding that the minor is also suitable for DEJ and would benefit from education, treatment, and rehabilitation efforts, to grant DEJ. Requires the court to make these findings on the record where DEJ is granted. (Welf. & Inst. Code, § 790, subd. (b).)
- 5) Provides that a person is guilty of carrying a loaded firearm when the person carries a loaded firearm on the person or in a vehicle while in any public place or on any public street in an incorporated city, city and county, or in any public place or on any public street in a prohibited area of an unincorporated area of a county or city and county. (Pen. Code, § 25850, subd. (a).)
- 6) Provides that carrying a loaded firearm in public is punishable as follows:
- a) Where the person previously has been convicted of any felony, or of any specified firearm-related offenses, as a felony.

- b) Where the firearm is stolen and the person knew or had reasonable cause to believe that it was stolen, as a felony.
- c) Where the person is an active participant in a criminal street gang, as a felony.
- d) Where the person is not in lawful possession of the firearm, or is within a class of persons prohibited from possessing or acquiring a firearm, as a felony.
- e) Where the person has been convicted of a crime against a person or property, or of a narcotics or dangerous drug violation, as an alternate felony-misdemeanor (hereinafter “wobbler”).
- f) Where the person is not listed with the Department of Justice (DOJ) as the recorded owner of the handgun, as a wobbler.
- g) In all others cases, as a misdemeanor, punishable by imprisonment in a county jail not to exceed one year, by a fine not to exceed one \$1,000, or by both. (Pen. Code, § 25850, subd. (c).)

This bill requires the court to consider, for purposes of determining suitability of a minor for DEJ, whether the minor is charged with carrying a loaded firearm in public.

Background

DEJ is a post-adjudication, pre-disposition diversion program. Under existing law, certain juvenile offenders are eligible for DEJ. (Welf. & Inst. Code, § 790.) For DEJ, a minor must admit each allegation in the petition, and the judgment is deferred while the minor is placed on probation for one to three years. (Welf. & Inst. Code, § 791.) While on probation, certain terms and conditions related to the minor’s treatment and rehabilitation are imposed. Upon the successful completion of the terms of probation, the charge or charges against the minor are dismissed, the arrest upon which the judgment was deferred is deemed never to have occurred, and any records in the possession of the juvenile court are required to be sealed, except as specified. (Welf. & Inst. Code, § 793, subd. (c).) If it appears to the prosecuting attorney, the court, or the probation department that the minor is not performing satisfactorily in the assigned program or is not complying with the terms of the probation, or that the minor is not benefiting from education, treatment, or rehabilitation, the deferred entry of judgment is lifted and the court will schedule a dispositional hearing. (Welf. & Inst. Code, § 793, subd. (a).)

In order to be eligible for DEJ, a minor must meet the following requirements: (1) the minor has not previously been declared to be a ward of the court for the

commission of a felony offense; (2) the offense charged is not a serious or violent felony listed in Welfare and Institutions Code section 707 (b); (3) the minor has not previously been committed to the custody of the Division of Juvenile Justice; (4) the minor's record does not indicate that probation has ever been revoked without being completed; (5) the minor is at least 14 years of age at the time of the hearing; (6) the minor is eligible for probation under Penal Code section 1203.06; and (7) the offense charged is not one of several specified sex offenses. (Welf. & Inst. Code, § 790, subd. (a).) The prosecuting attorney is required to make a determination regarding a minor's eligibility for DEJ, and if the minor is eligible, the prosecuting attorney must notify the court, the minor, and the minor's attorney. (Welf. & Inst. Code, § 790, subd. (b).) The juvenile court must then decide if the minor is suitable for DEJ. A minor is suitable for DEJ if the judge finds that the minor would benefit from court-ordered education, rehabilitation, and treatment efforts. (*Ibid*).

Under existing law, a person who personally used a firearm during the commission or attempted commission of specified offenses is ineligible for DEJ. (Welf. & Inst. Code, § 790, subd. (b); Pen. Code, § 1203.06.) This bill requires the court to consider whether the offense charged is an offense of carrying a loaded firearm in public in making its DEJ suitability determination. Existing law does not enumerate specific factors for the court to consider in its suitability determination. It appears the court has broad discretion to grant when the court makes a finding that the minor would benefit from education, treatment, and rehabilitation efforts. It is unclear whether this new consideration is to be made in conjunction with the court's determination that the minor would benefit from education, treatment, and rehabilitation efforts, or if it is to be considered separately and how the court is to weigh that fact in its determination.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 6/9/26)

California Police Chiefs Association (co-source)
Chief Probation Officers' of California (co-source)
Arcadia Police Officers' Association
Brea Police Association
Burbank Police Officers' Association
California Association of School Police Chiefs
California Coalition of School Safety Professionals
California Narcotic Officers' Association
California Police Chiefs Association

California Reserve Peace Officers Association
Claremont Police Officers Association
Corona Police Officers Association
Culver City Police Officers' Association
Fullerton Police Officers' Association
Los Angeles School Police Management Association
Los Angeles School Police Officers Association
Murrieta Police Officers' Association
Newport Beach Police Association
Palos Verdes Police Officers Association
Placer County Deputy Sheriffs' Association
Pomona Police Officers' Association
Riverside Police Officers Association
Riverside Sheriffs' Association

OPPOSITION: (Verified 6/9/26)

ACLU California Action
California Attorneys for Criminal Justice
California Public Defenders Association
Center on Juvenile and Criminal Justice
Ella Baker Center for Human Rights
Justice2Jobs Coalition
La Defensa
Los Angeles County Public Defender's Union, Local 148
San Francisco Public Defender

ARGUMENT IN SUPPORT: According to the Chief Probation Officers of California, one of the bill's co-sponsors:

In California, under Welfare & Institutions Code 790, Deferred Entry of Judgment (DEJ) for juveniles is a path for first-time, nonviolent felonies where the minor admits guilt, completes programming, and has their charged dismissed and their case sealed if successfully completed, thereby enabling the youth to avoid a formal conviction. While DEJ plays a role within the continuum of juvenile justice responses, it is not structured or designed to address more serious offenses. As DEJ is intended for first time nonviolent offenses, there are current offenses excluded from eligibility in recognition of the seriousness of the offense and the types of interventions that are necessary, including existing firearms offenses.

With an uptick in serious and violent juvenile crime, and impacts in communities from juvenile gun offenses, it is imperative to address these types of crimes through structured rehabilitative programming and accountability to address and mitigate future risk of adult re-offense. In 2016, 1 in 10 juvenile arrests were for a violent felony. In 2024, 1 in 5 arrests were for a violent felony. Additionally, in regards to recent juvenile violent felony data from 2021 to 2024 (the period following the closure of DJJ), violent felony arrests went up 69.28%.

Despite existing law already prohibiting minors from possessing firearms and making it a wobbler, current DEJ eligibility does not expressly exclude possession of a loaded firearm, thereby allowing this offense to be eligible for a program designed for low-level first-time offenses. Carrying a loaded firearm carries great consequence to the community and it is imperative that more structured court interventions are utilized in these cases to address the rehabilitation and safety needs of youth committing these offenses.

This bill represents a balanced and necessary change to ensure that courts are giving consideration to this specific offense of carrying a loaded firearm when looking at the appropriate disposition for these cases. It prioritizes public safety while preserving rehabilitative opportunities for youth through more structured juvenile court interventions. This change ensures that California's response to juvenile firearm possession is aligned with best practices in youth risk management and other efforts to reduce juvenile and community gun violence.

ARGUMENT IN OPPOSITION: La Defense writes:

Juvenile DEJ offers an opportunity for youth to have their case dismissed and records sealed upon 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 will be 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, requiring the court to 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, with juvenile courts increasingly less likely to provide diversion and more likely to choose detention, especially for youth of color. Rather than keeping us safer, removing opportunities for education, treatment, and rehabilitation is likely to worsen gun violence and other crime. Reducing gun possession among youth requires comprehensive initiatives involving community partners, not punitive responses that make the problem worse.

Targeted diversion is a proven solution, especially for youth charged with a first offense. It is well-established that longer periods of confinement produce higher rates of recidivism for youth. 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. Moreover, diversion is especially effective for youth with little prior involvement in the justice system. Given the developmental status of minors, programs that help improve critical thinking and judgement skills have been shown to substantially lower violence among at-risk youth. Further, programming designed specifically for youth facing gun possession charges is highly effective in preventing recidivism.

AB 2636 will reduce opportunities for youth charged with a first-time, non-violent offense to participate in these programs and receive the services they need, increasing the number of youth incarcerated at juvenile detention facilities and driving up costs without providing a benefit to public safety. This is especially troublesome when the state's own agency responsible for guiding the transition away from youth incarceration has recognized the extensive benefits of diversion, education, treatment, and rehabilitation for youth offenders.

ASSEMBLY FLOOR: 59-0, 5/7/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Calderon, Carrillo, Castillo, Connolly,

Davies, DeMaio, Dixon, Ellis, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Irwin, Jackson, Johnson, Krell, Lackey, Lowenthal, Macedo, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Ramos, Ransom, Michelle Rodriguez, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Zbur, Rivas

NO VOTE RECORDED: Arambula, Bonta, Bryan, Caloza, Chen, Elhawary, Flora, Hart, Hoover, Kalra, Lee, McKinnor, Petrie-Norris, Quirk-Silva, Celeste Rodriguez, Rogers, Valencia, Wallis, Ward, Wicks, Wilson

Prepared by: Stephanie Jordan / PUB. S. /
6/10/26 17:00:44

**** **END** ****