
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: SB 1285 **Hearing Date:** April 7, 2026
Author: Durazo
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Urgency: No **Fiscal:** No
Consultant: SJ

Subject: *Juvenile court: procedure*

HISTORY

Source: California Youth Defender Center

Prior Legislation: AB 2629 (Santiago), Ch. 970, Stats. of 2022
AB 529 (Stone), Ch. 685, Stats. of 2017
SB 312 (Skinner), Ch. 679, Stats. of 2017
AB 666 (Stone), Ch. 368, Stats. of 2015
SB 1038 (Leno), Ch. 249, Stats. of 2014

Support: ACLU California Action; Alianza for Opportunity; All of Us or None Orange County; Alliance for Boys and Men of Color; California Attorneys for Criminal Justice; California Public Defenders Association; Californians for Safety and Justice; Communities United for Restorative Youth Justice; Courage California; East Bay Community Law Center; Ella Baker Center for Human Rights; Empowering Women Impacted by Incarceration; Families Inspiring Reentry & Reunification 4 Everyone; Felony Murder Elimination Project; Fresh Lifelines for Youth; Friends Committee on Legislation of California; GLIDE; Haywood Burns Institute; Initiate Justice; Justice2Jobs Coalition; La Defensa; Law Foundation of Silicon Valley; Los Angeles County Public Defender's Union, Local 148; MILPA Collective; Rubicon Programs; San Francisco Public Defender; San Quentin SkunkWorks; Sister Warriors Freedom Coalition; Smart Justice California; Youth Forward; Youth Law Center

Opposition: Peace Officers Research Association of California

PURPOSE

The purpose of this bill is to explicitly state that Welfare and Institutions Code section 782 is a general dismissal statute.

Existing law provides that a minor between 12 and 17 years of age, inclusive, who violates any federal, state, or local law or ordinance, and a minor under 12 years of age who is alleged to have committed murder or a specified sex offenses, is within jurisdiction of the juvenile court, which may adjudge the minor to be a ward of the court. (Welf. & Inst. Code, § 602.)

Existing law authorizes a juvenile court judge to dismiss a petition, or set aside the findings and dismiss the petition, if the court finds that the interests of justice and the welfare of the person

who is the subject of the petition require that dismissal, or if it finds that they are not in need of treatment or rehabilitation. (Welf. & Inst. Code, § 782, subd. (a)(1).)

Existing law provides the court has jurisdiction to order dismissal or setting aside of the findings and dismissal regardless of whether the person who is the subject of the petition is, at the time of the order, a ward or dependent child of the court. Specifies that nothing in existing law shall be interpreted to require the court to maintain jurisdiction over a person who is the subject of a petition between the time the court's jurisdiction over that person terminates and the point at which their petition is dismissed. (Welf. & Inst. Code, § 782, subd. (a)(1).)

Existing law requires the court, when exercising its discretion at the time the court terminates jurisdiction or at any time thereafter, to consider and afford great weight to evidence offered by a person to prove mitigating circumstances are present, including, but not limited to, satisfactory completion of a term of probation, that rehabilitation has been attained to the satisfaction of the court, that dismissal of the petition would not endanger public safety, or that the underlying offense is connected to mental illness, prior victimization, or childhood trauma. Provides that proof of the presence of one or more mitigating circumstances weighs greatly in favor of dismissing the petition. (Welf. & Inst. Code, § 782, subd. (a)(2)(A).)

Existing law defines "satisfactory completion of a term of probation" to mean the person has no new findings of wardship or conviction for a felony offense or a misdemeanor involving moral turpitude during the period of supervision or probation and if the person has not failed to substantially comply with the reasonable orders of supervision or probation that are within their capacity to perform. (Welf. & Inst. Code, §§ 782, subd. (a)(2)(B), 786, subd. (c)(1).)

Existing law defines "rehabilitation has been attained to the satisfaction of the court" to mean consistent with Section 781 which includes that the person has not been convicted of a felony or of any misdemeanor involving moral turpitude. (Welf. & Inst. Code, § 782, subd. (a)(2)(C).)

Existing law defines "mental illness" as a mental disorder identified in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders excluding antisocial personality disorder, borderline personality disorder, and pedophilia. (Welf. & Inst. Code, § 782, subd. (a)(2)(D); Pen. Code, § 1385, subd. (c)(5).)

Existing law provides that "childhood trauma" means that as a minor the person experienced physical, emotional, or sexual abuse, physical or emotional neglect. (Welf. & Inst. Code, § 782, subd. (a)(2)(D); Pen. Code, § 1385, subd. (c)(6)(A).)

Existing law provides that "prior victimization" means the person was a victim of intimate partner violence, sexual violence, or human trafficking, or the person has experienced psychological or physical trauma, including, but not limited to, abuse, neglect, exploitation, or sexual violence. (Welf. & Inst. Code, § 782, subd. (a)(2)(D); Pen. Code, § 1385, subd. (c)(6)(B).)

Existing law provides that "endanger public safety" means there is a likelihood that the dismissal of the enhancement would result in physical injury or other serious danger to others. (Welf. & Inst. Code, § 782, subd. (a)(2)(D); Pen. Code, § 1385, subd. (c)(2).)

Existing law provides that the great weight standard set forth in this paragraph is not applicable in cases where an individual has been convicted in criminal court of a serious or violent felony. Specifies that "serious or violent felony" means any offense defined in subdivision (c) of Section

667.5, or in subdivision (c) of Section 1192.7, of the Penal Code. (Welf. & Inst. Code, § 782, subd. (a)(2)(E), (a)(2)(F).)

Existing law prohibits the absence of the great weight standard under the circumstances described above from affecting the court's authority to dismiss a petition. (Welf. & Inst. Code, § 782, subd. (a)(2)(G).)

Existing law requires the reasons for a dismissal decision to be stated orally on the record. Requires the court to also set forth the reasons in an order entered upon the minutes if requested by either party or in any case in which the proceedings are not being recorded electronically or reported by a court reporter. (Welf. & Inst. Code, § 782, subd. (b).)

Existing law provides that the court has authority to exercise discretion to dismiss at any time after the filing of the petition. (Welf. & Inst. Code, § 782, subd. (c).)

Existing law provides that the court has the authority to exercise discretion to dismiss regardless of whether a petition was sustained at trial, by admission or plea agreement. (Welf. & Inst. Code, § 782, subd. (d).)

Existing law provides that dismissal of a petition, or setting aside of the findings and dismissal of a petition, after the person was declared a ward, does not alone constitute a sealing of records as defined in Section 781 or 786. Provides that any unsealed records pertaining to the dismissed petition may be accessed, inspected, or used by the court, the probation department, the prosecuting attorney, or counsel for the minor in juvenile court proceedings commenced by the filing of a new petition. (Welf. & Inst. Code, § 782, subd. (e).)

Existing law provides that dismissal of the petition, or setting aside the findings and dismissal of the petition, does not relieve a person from the obligation to pay unfulfilled victim restitution ordered pursuant to a civil judgment. (Welf. & Inst. Code, § 782, subd. (f).)

This bill provides that the above provisions are a general dismissal statute.

This bill provides that an adjudication dismissed pursuant Section 782 shall be deemed to have not occurred and a person shall not suffer any future adverse consequences based on an adjudication dismissed pursuant to this section.

COMMENTS

1. Need For This Bill

According to the author:

California's juvenile justice system is designed to rehabilitate youth and operates separately from the criminal justice system to eliminate long-term collateral consequences after termination of their court involvement. Juvenile courts have discretion to seal records and grant dismissals. Unfortunately, many people with past juvenile justice involvement encounter obstacles to fully participate in society, even after their juvenile records have been sealed.

This is why I am proud to author SB 1285, which codifies the holding in *In re David T.* that section 782 is a general dismissal statute and that a petition dismissed under Welfare and Institutions Code Section 782 is treated as if it never happened, protecting the individual from unfair or harmful consequences in the future, in accordance with longstanding and widely accepted interpretations of California's dismissal law.

SB 1285 safeguards justice for youth and ensures youth are treated with fairness and dignity, clarifying and reaffirming the Legislature's spirit of the reform. We must steadfastly uphold commitment to meaningful second chances by empowering youth to begin their adult lives with a broader horizon—one that includes healing, rehabilitation, careers, and meaningful societal connections such as support networks, mentorship, and faith-based groups.

2. Dismissals in Juvenile Court

Under current law, the juvenile court may dismiss a juvenile delinquency petition if the court finds that dismissal serves the interests of justice and the welfare of the minor, or if the court finds that the minor does not need treatment or rehabilitation. (Welf. & Inst. Code, § 782, subd. (a)(1).)

Welfare and Institutions Code section 782 was substantially amended by the enactment of AB 2629 (Santiago), Chapter 970, Statutes of 2022, which required the court to consider and give great weight to evidence offered by the person to prove mitigating circumstances are present (e.g., satisfactory completion of probation, attainment of rehabilitation, the offense being connected to mental illness, prior victimization, or childhood trauma, or that dismissal would not endanger public safety). Section 782 provides that proof of one or more mitigating circumstances weighs greatly in favor of dismissing the petition. The court's authority to exercise its discretion to dismiss the petition applies at any time after the petition is filed and regardless of whether the petition was sustained at trial, admitted by the youth, or by plea agreement. (Welf. & Inst. Code, § 782, subs. (c), (d).)

The intent of AB 2629 is outlined in the author's statement from the bill's analysis:

[A]n adjudication that has been *dismissed* pursuant to Welfare and Institutions Code Section 782 ... erases the prior adjudication as if it never occurred. ...

...The proposed changes in this bill would give judges explicit guidance requiring judges to give great weight to a number of mitigating circumstances that favor dismissal at the time the court terminates jurisdiction, or any time after. ...

Additionally, AB 2629 will rectify any uncertainty regarding when the juvenile court can exercise discretion to dismiss under section 782. ...

... AB 2629 would confirm the broad discretion of juvenile judges to dismiss a case regardless of the stage the case is in, and regardless of whether the adjudication was a result of a sustained petition after trial, an admission, or a plea agreement.

By providing judges with explicit guidance for handling requests to dismiss juvenile petitions under section 782, AB 2629 will conform the governing law to the goal of supporting successful, productive entry into society for our young people and it will give them a chance at new opportunities after they leave the juvenile justice system. It will take a much-needed step in ensuring that young people leave the juvenile court system set up for successful futures instead of leaving with lasting hurdles to overcome.

(Sen. Com. on Public Safety, Analysis of Assem. Bill No. 2629 (2021-2022 Reg. Sess.) as amended May 23, 2022, pp. 3-4.)

At the time the AB 2629 was heard in this Committee, proponents of the bill argued that Welfare and Institutions Code section 782 did not provide any guidance to judges in exercising the court's discretion to dismiss juvenile petitions, and pointed out that similar criticism has been directed at Penal Code section 1385, the adult dismissal statute, prior to the passage of SB 81 (Skinner), Chapter 721, Statutes of 2021.

One of AB 2629's co-sponsors, the Los Angeles County District Attorney's Office, wrote the following in support of the bill:

While the juvenile court has discretion to grant record sealing pursuant to sections 781, 781.5, 786, 786.5, or 793 of the Welfare and Institutions Code (WIC), many people with past juvenile justice system involvement encounter obstacles to their full participation in society even after their records have been sealed.

WIC section 782 provides greater relief from the consequences of a juvenile adjudication than the record sealing provisions because it fully dismisses the juvenile adjudication rather than just hiding it from public view. WIC section 782 is intended to give young people a new beginning as they transition into adulthood by authorizing the juvenile court to exercise discretion to dismiss a petition if the interests of justice and the welfare of the person require it.

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...

By facilitating the dismissal of juvenile court petitions when the court terminates jurisdiction, AB 2629 will allow justice-impacted youth to fully access future opportunities so they may empower themselves to live long, productive, and successful lives.

3. Relevant Caselaw

Prior to the amendments enacted in 2022, Welfare and Institutions Code section 782 was understood to be a general dismissal statute. (*In re David T.* (2017) 13 Cal.App.5th 866.) In evaluating whether the juvenile court improperly denied a defendant's motion to seal his juvenile records under Welfare and Institutions Code section 781 following the dismissal of the petition under Welfare and Institutions Code section 782, the appellate court in *In re David T.* concluded:

For all of these reasons, we agree with appellant that dismissal under section 782 is fundamentally different from other forms of dismissal (e.g., § 1772; Pen. Code, § 1203.4; see *Greg F.*, *supra*, 55 Cal.4th at p. 419) or reduction of an offense listed in section 707, subdivision (b) to a misdemeanor. (Pen. Code, § 17, subd. (b); see *G.Y.*, *supra*, 234 Cal.App.4th at p. 1203.) Section 782, like Penal Code section 1385, is a general dismissal statute, and once a juvenile court has determined in its discretion “the interests of justice and the welfare of the person who is the subject of the petition require that dismissal” (§ 782), such a dismissal is intended to erase a prior adjudication—not merely reduce or mitigate it—and to thereby protect the person from any and all future adverse consequences based on that adjudication. (See *Haro*, *supra*, 221 Cal.App.4th at p. 720; see also *Barro*, *supra*, 93 Cal.App.4th at p. 66.)
(*In re David T.*, *supra*, at p. 877.)

However, this understanding of Section 782 was reversed when *In re Taylor C.* (2024) 101 Cal.App. 5th 492, was decided. In that case, the defendant sought to have his juvenile record for a sex offense sealed under Welfare and Institutions Code section 781—an offense categorically excluded from the sealing statute—following the dismissal of the petition under Section 782, and the juvenile court denied the motion to seal the record. In reviewing the juvenile court’s decision, the appellate court held:

In *David T.*, our colleagues concluded the then-current version of section 782 was a general dismissal statute; therefore, dismissal under that section was “intended to erase a prior adjudication—not merely reduce or mitigate it—and to thereby protect the person from any and all future adverse consequences based on that adjudication,” including relief from a limitation on sealing pursuant to section 781. (*David T.*, *supra*, 13 Cal.App.5th at p. 877.) Taylor’s reliance on *David T.* is unavailing because it interpreted an earlier version of section 782 that—unlike the current version—did not include any limitations on the relief offered by dismissal. (*David T.*, at pp. 873–874.)

The *David T.* court observed that, had the Legislature intended a dismissal under section 782 to have prospective adverse consequences for the person even after dismissal, it could have explicitly said so. (*David T.*, *supra*, 13 Cal.App.5th at p. 875.) After *David T.* was decided, that is precisely what occurred with the enactment of Assembly Bill 2629, which amended section 782 to state that dismissal of a petition under that section “does not alone constitute a sealing of records” under section 781. (§ 782, subd. (e); see Assem. Bill 2629, § 1.)
(*In re Taylor C.*, *supra*, at pp. 497-498.)

Proponents of this bill, who also co-sponsored AB 2629, assert that the court’s interpretation of Section 782 following the 2022 amendments to the law misread the purpose of AB 2629 and significantly reduced the value of the law. They assert that Welfare and Institutions Code section 782, subdivision (e)—the provision that states that dismissal of a petition does not alone constitute a sealing of records—was a clarifying amendment taken during the legislative process and was not intended to undo the then-understanding of the effect of Section 782 overall. They argue that this bill is necessary to correct the court’s interpretation of AB 2629 by codifying the holding of *In re David T.*

SB 1285 explicitly states that Welfare and Institutions Code section 782 is a general dismissal statute, and that a petition dismissed under Section 782 is treated as if it never happened. The effect is that the individual will be protected from many of the collateral consequences of a sustained petition.

4. Argument in Support

According to Californians for Safety and Justice:

S.B. 1285 is a follow-up bill to A.B. 2629 (Santiago, 2022), which amended Welfare and Institutions Code (WIC) section 782, a general dismissal statute applicable to juvenile delinquency proceedings.

In California, the juvenile justice system is intended to rehabilitate system-involved youth. However, a person's past involvement in the juvenile justice system often hinders their ability to enlist in the military, obtain meaningful employment, or achieve occupational licenses. These collateral consequences frustrate the rehabilitative purposes of the juvenile court system. While the juvenile court has discretion to seal juvenile records, many individuals still encounter obstacles to fully participating in society.

A.B. 2629, which passed with a supermajority in both houses, created a "great weight" standard in favor of dismissal that applies when a youth is discharged from probation supervision if certain mitigating circumstances are shown, unless there is a danger to public safety.

Importantly, the courts have repeatedly held that section 782 discretion is extremely broad and powerful, similar to the broad discretion afforded adult criminal judges when exercising discretion under Penal Code section 1385. Further, A.B. 2629 reaffirmed that a dismissal under section 782 does not automatically constitute a sealing of records. A sealing petition is still required under applicable sealing statutes, even after a dismissal is granted.

From its inception, section 782 has been considered by trial and appellate courts to be a "general dismissal statute," thereby affording broad relief; A.B. 2629 was enacted based on this well settled legal concept. Recently, however, an appellate court suggested that A.B. 2629 weakened, rather than strengthened, section 782.5 In *In re Taylor C.*, the court misinterpreted paragraph (e) of section 782, language only intended to maintain the functional requirement that a sealing petition must be filed to achieve the sealing of a dismissed petition. The *In re Taylor C.* ruling suggested that A.B. 2629 eliminated the character of section 782 as a general dismissal statute and that the reasoning of *In re David T.* no longer applies.

S.B. 1285 is a narrowly tailored bill intended to correct this judicial misinterpretation. S.B.1285 does not create new law; rather, it reaffirms the longstanding understanding that section 782 is a general dismissal statute, as it has been interpreted since its enactment in 1971. Further, S.B. 1285 codifies the holding of *In re David T.* and other appellate cases that an adjudication dismissed pursuant to section 782 shall be deemed to have not occurred, protecting individuals from future adverse consequences based on that adjudication.

5. Argument in Opposition

The Peace Officers Research Association of California writes:

SB 1285 would require that a dismissed juvenile adjudication be treated as though it never occurred and prohibit any future consideration of that adjudication. While PORAC supports rehabilitation and second chances for youth, this bill goes too far by eliminating access to information that may be relevant for future decision-making.

Current law already allows courts to dismiss cases in the interest of justice. However, completely erasing these adjudications, regardless of the underlying conduct, may limit the ability of courts and law enforcement to identify patterns of behavior and make informed public safety decisions.

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