

SENATE THIRD READING

SB 1285 (Durazo)

As Amended June 11, 2026

Majority vote

SUMMARY

Expressly states that the statute that authorizes a juvenile court judge's discretion to dismiss a petition in the interests of justice is a general dismissal statute.

Major Provisions

- 1) States that an adjudication dismissed pursuant to Welfare and Institutions Code Section 782 shall be deemed to have not occurred and a person shall not suffer any adverse consequences in the future based on the dismissed adjudication.
- 2) Provides that a dismissal of a sustained petition pursuant to this provision shall be deemed to constitute both a dismissal of the petition and a setting aside of any findings.
- 3) States the intent of the Legislature in enacting this act is to codify the holding of *In re David T.* (2017) 13 Cal.App.5th 866 and *People v. Haro* (2013) 221 Cal.App.4th 718, and to disapprove the holdings in *In re Taylor C.* (2024) 101 Cal.App.5th 492 and *In re Parker B.* (2026) 120 Cal.App.5th 382.
- 4) States that intent of the legislature that in adding subdivision (e) in Welfare and Institutions Code Section 782 via AB 2629 (Santiago) Chapter 970 of the Statutes of 2022 was to reaffirm existing law that dismissal pursuant to Section 782 and sealing of records pursuant to applicable sealings statutes are related yet distinct procedures; the Legislature did not intend to modify or reduce the relief afforded by a dismissal granted pursuant to Section 782, to change the character of that section as a general dismissal statute, or to alter established law holding that a dismissal under Section 782 removes restrictions on sealing that may be contained in the sealing statutes.
- 5) States the intent of the Legislature to reaffirm that once a juvenile court dismisses a juvenile petition pursuant to Welfare and Institutions Code Section 782, the petition is effectively erased as if the subject of the petition had never suffered it in the initial instance.

COMMENTS**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."

Arguments in Support

According to *California Youth Defender Center*, the sponsor of this bill: "From its inception, section 782 has been considered by trial and appellate courts to be a 'general dismissal statute,' thereby affording broad relief, and A.B. 2629 was enacted based on this well-settled legal concept. To illustrate this point, the Court of Appeal in *In re David T.* held that section 782, like Penal Code section 1385, is a general dismissal statute, and once a juvenile court has determined in its discretion that 'the interest of justice and welfare of the person who is subject of the petition requires that dismissal,' such 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.

"Despite this long-standing principle that section 782 is a general dismissal statute, in 2024 an appellate court suggested that A.B. 2629 weakened, not strengthened, section 782.5 The appellate court misinterpreted paragraph (e) of section 782, which provides that dismissal 'does not alone constitute a sealing of records' -- language only intended to maintain the functional requirement that to achieve sealing of a dismissed petition, a sealing petition must also be filed. But *In re Taylor C.* 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.

"Not only did the appellate court misinterpret section 782(e), but it also disregarded the legislative intent of A.B. 2629, which was intended to strengthen and bring uniformity to section 782. It also misread the law's rehabilitative purpose and reduced the value of the law for young people who believed they had earned a true second chance.

"This troubling trend continued a week after Senate Bill 1285 (S.B. 1285) passed the Senate floor. A newly published decision, *In re Parker B.*, similarly misconstrued the interplay between section 782 and the juvenile record sealing statutes. The Parker B. court echoed *Taylor C.*'s misinterpretation of subdivision (e), mistakenly suggesting that it changed the character of section 782 as a general dismissal statute and altered the long-established law that the granting of a dismissal under section 782 removes the restrictions on sealing that may be contained in the sealing statutes.

"Furthermore, the *Parker B.* court introduced an unprecedented, non-statutory distinction between 'qualified' and 'unqualified' dismissals. The court derived this concept from section 782, subdivision (a)(1), which states that a judge 'may dismiss the petition or may set aside the findings and dismiss the petition....' Legally, this phrasing simply reflects the procedural posture of the case at the time of dismissal: if the juvenile has not yet been declared a ward (i.e., the case is pre-adjudication), the court dismisses the petition under the first clause. If the juvenile has already been declared a ward (i.e., the case is post-adjudication), the court sets aside the findings and dismisses the petition (or specified counts in the petition, and the findings underlying those counts) under the second clause.

"Although the *Parker B.* court initially acknowledged that this posture-based interpretation aligned with the statute's literal wording, its final holding veered sharply from its own textual analysis. The court held that a post-adjudication dismissal automatically sets aside findings and dismisses the petition unless the juvenile court explicitly indicates a narrower, 'qualified' intent. Because the trial court in *Parker B.* did not explicitly limit its order, the appellate court characterized it as an 'unqualified dismissal.'

"In essence, the *Parker B.* holding creates a legal fiction. Since enactment of 782 in 1971, the statute has operated strictly as a uniform, general dismissal tool. Its dual phrasing accommodates the procedural reality of the case—either pre- or post-adjudication. The statute grants the juvenile court no discretion to craft a 'qualified' hybrid post-adjudication dismissal that leaves findings and collateral consequences intact. The court's only actual discretion, if granting a dismissal, is to either dismiss the petition in its entirety or, upon proper request, dismiss specific counts within it, along with dismissing the findings underlying the dismissed petition or counts.

"S.B. 1285 is a narrowly tailored bill intended to correct the judicial misinterpretations contained in the *Taylor C.* and *Parker B.* opinions. S.B.1285 does not create new law; rather, it reaffirms the longstanding understanding that section 782 is a general dismissal statute, and a dismissal of a sustained petition shall be deemed to constitute both a dismissal and a setting aside of any findings, as the statute has been interpreted since its enactment in 1971. Further, S.B. 1285 codifies the holdings of *In re David T.*, *People v. Haro*, 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."

Arguments in Opposition

None submitted.

FISCAL COMMENTS

Unknown, this bill was keyed non-fiscal by the Legislative Counsel.

VOTES

SENATE FLOOR: 37-0-3

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Cervantes, Choi, Cortese, Dahle, Durazo, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNeerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener
ABS, ABST OR NV: Caballero, Gonzalez, Rubio

ASM PUBLIC SAFETY: 9-0-0

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

UPDATED

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