

UNFINISHED BUSINESS

Bill No: SB 1285
Author: Durazo (D), et al.
Amended: 6/11/26
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 6-0, 4/7/26
AYES: Arreguín, Seyarto, Caballero, Cortese, Pérez, Wiener

SENATE FLOOR: 37-0, 4/27/26
AYES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Cervantes, Choi, Cortese, Dahle, Durazo, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener
NO VOTE RECORDED: Caballero, Gonzalez, Rubio

ASSEMBLY FLOOR: 72-1, 8/13/26 - See last page for vote

SUBJECT: Juvenile court: procedure

SOURCE: California Youth Defender Center

DIGEST: This bill states that the Welfare and Institutions Code Section 782 is a general dismissal statute.

Assembly Amendments provide that a dismissal of a sustained petition under Section 782 shall be deemed to constitute both a dismissal of the petition and a setting aside of any findings and add intent language.

ANALYSIS:

Existing law:

- 1) 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. (Welfare (Welf.) & Institutions (Inst.) Code, § 602.)

- 2) 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).)
- 3) 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).)
- 4) 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).)
- 5) 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).)
- 6) 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).)

- 7) 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).)
- 8) 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); Penal (Pen.) Code, § 1385, subd. (c)(6)(A).)
- 9) 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).)
- 10) 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).)
- 11) 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).)
- 12) 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).)
- 13) 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).)
- 14) 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).)

- 15) 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).)
- 16) 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).)
- 17) 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:

- 1) Provides that the above provisions are a general dismissal statute.
- 2) 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.

Background

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, subds. (c), (d).)

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.)

At the time the AB 2629 was introduced, 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.

However, the understanding of Section 782 as a general dismissal statute 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.*

This bill 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.

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

SUPPORT: (Verified 8/13/26)

California Youth Defender Center (source)
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
Center on Juvenile and Criminal 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: (Verified 8/13/26)

None received

ASSEMBLY FLOOR: 72-1, 8/13/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Boerner, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Flora, Fong, Gabriel, 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, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NOES: Macedo

NO VOTE RECORDED: Alvarez, Berman, Bonta, Ellis, Petrie-Norris, Schultz

Prepared by: Stephanie Jordan / PUB. S. /
8/14/26 17:04:35

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