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**WELFARE AND INSTITUTIONS CODE - WIC**

**DIVISION 2.5. YOUTHS [1700 - 2250]** ( *Division 2.5 added by Stats. 1941, Ch. 937.*  )

**CHAPTER 1. The Youth Authority [1700 - 1915]** ( *Heading of Chapter 1 amended by Stats. 1943, Ch. 690.*  )

**ARTICLE 3. Commitments to Youth Authority [1730 - 1742]** ( *Heading of Article 3 amended by Stats. 1943, Ch. 690.*  )

**1730.** (a) No person may be committed to the Authority until the Authority has certified in writing to the Governor that it has approved or established places of preliminary detention and places for examination and study of persons committed, and has other facilities and personnel sufficient for the proper discharge of its duties and functions.

(b) Before certification to the Governor as provided in subsection (a), a court shall, upon conviction of a person under 21 years of age at the time of his apprehension, deal with him without regard to the provisions of this chapter.

(Amended by Stats. 1944, 3rd [1st] Ex. Sess., Ch. 2.)

**1731.** (a) When in any criminal proceeding in a court of this State a person has been convicted of a public offense and the person was a minor when he or she committed the offense, the court shall determine whether the person was less than 21 years of age at the time of the apprehension from which the criminal proceeding resulted. Proceedings in a juvenile court in respect to a juvenile are not criminal proceedings as that phrase is used in this chapter.

(b) Notwithstanding any other provision of law, no court shall have the power to order an adult convicted of a public offense in a court of criminal jurisdiction to be committed to the Youth Authority. This subdivision shall not apply to a transfer pursuant to Section 1731.5.

(Amended by Stats. 1994, Ch. 452, Sec. 2. Effective January 1, 1995.)

**1731.5.** (a) After certification to the Governor as provided in this article, a court may, until July 1, 2021, commit to the Division of Juvenile Justice any person who meets all of the following:

- (1) Is convicted of an offense described in subdivision (b) of Section 707 or subdivision (c) of Section 290.008 of the Penal Code.
- (2) Is found to be less than 21 years of age at the time of apprehension.
- (3) Is not sentenced to death, imprisonment for life, with or without the possibility of parole, whether or not pursuant to Section 190 of the Penal Code, imprisonment for 90 days or less, or the payment of a fine, or after having been directed to pay a fine, defaults in the payment thereof, and is subject to imprisonment for more than 90 days under the judgment.
- (4) Is not granted probation, or was granted probation and that probation is revoked and terminated.

(b) The Division of Juvenile Justice shall accept a person committed to it prior to July 1, 2021, pursuant to this article if it believes that the person can be materially benefited by its reformatory and educational discipline, and if it has adequate facilities to provide that care.

(c) A person under 18 years of age who is not committed to the division pursuant to this section may be transferred to the division by the Secretary of the Department of Corrections and Rehabilitation with the approval of the Director of the Division of Juvenile Justice. In sentencing a person under 18 years of age, the court may, until July 1, 2021, order that the person be transferred to the custody of the Division of Juvenile Justice pursuant to this subdivision. If the court makes this order and the division fails to accept custody of the person, the person shall be returned to court for resentencing. The transfer shall be solely for the purposes of housing the inmate, allowing participation in the programs available at the institution by the inmate, and allowing division parole supervision of the inmate, who, in all other aspects shall be deemed to be committed to the Department of Corrections and Rehabilitation and shall remain subject to the jurisdiction of the Secretary of the Department of Corrections and Rehabilitation and the Board of Parole Hearings. Notwithstanding subdivision (b) of Section 2900 of the Penal Code, the secretary, with the concurrence of the director,

may designate a facility under the jurisdiction of the director as a place of reception for a person described in this subdivision. The director has the same powers with respect to an inmate transferred pursuant to this subdivision as if the inmate had been committed or transferred to the Division of Juvenile Justice either under the Arnold-Kennick Juvenile Court Law or subdivision (a). The duration of the transfer shall extend until any of the following occurs:

(1) The director orders the inmate returned to the Department of Corrections and Rehabilitation.

(2) The inmate is ordered discharged by the Board of Parole Hearings.

(3) The inmate reaches 18 years of age. However, if the inmate's period of incarceration would be completed on or before the inmate's 25th birthday, the director may continue to house the inmate until the period of incarceration is completed or until final closure of the Division of Juvenile Justice.

(d) The amendments to subdivision (c), as that subdivision reads on July 1, 2018, made by the act adding this subdivision, apply retroactively.

*(Amended by Stats. 2021, Ch. 18, Sec. 13. (SB 92) Effective May 14, 2021.)*

**1731.6.** (a) In any county in which there is in effect a contract made pursuant to Section 1752.1, if a court has determined that a person comes within the provisions of Section 1731.5 and concludes that a proper disposition of the case requires such observation and diagnosis as can be made at a diagnostic and treatment center of the Division of Juvenile Justice, the court may continue the hearing and, until July 1, 2021, order that the person be placed temporarily in such a center for a period not to exceed 90 days, with the further provision in such order that the Director of the Division of Juvenile Justice report to the court its diagnosis and recommendations concerning the person within the 90-day period.

(b) The Director of the Division of Juvenile Justice shall, within the 90 days, cause the person to be observed and examined and shall forward to the court the diagnosis and recommendation concerning the person's future care, supervision, and treatment.

(c) The Division of Juvenile Justice shall accept that person if it believes that the person can be materially benefited by such diagnostic and treatment services and if the Director of the Division of Juvenile Justice certifies that staff and institutions are available. A person shall not be transported to any facility under the jurisdiction of the Division of Juvenile Justice until the director has notified the referring court of the place to which the person is to be transported and the time at which the person can be received.

(d) Notwithstanding subdivision (c), the Division of Juvenile Justice shall accept without cost to the county any persons remanded pursuant to Section 707.2.

(e) The sheriff of the county in which an order is made placing a person in a diagnostic and treatment center pursuant to this section, or any other peace officer designated by the court, shall execute the order placing the person in the center or returning them therefrom to the court. The expense of the sheriff or other peace officer incurred in executing that order is a charge upon the county in which the court is situated.

*(Amended by Stats. 2021, Ch. 18, Sec. 14. (SB 92) Effective May 14, 2021.)*

**1731.7.** (a) The Department of Corrections and Rehabilitation, Division of Juvenile Justice, shall establish and operate a seven-year pilot program for transition-aged youth. Commencing on or after January 1, 2019, the program shall divert a limited number of transition-aged youth from adult prison to a juvenile facility in order to provide developmentally appropriate, rehabilitative programming designed for transition-aged youth with the goal of improving their outcomes and reducing recidivism.

(b) The department may develop criteria for placement in this program, initially targeting youth sentenced by a superior court who committed an offense described in subdivision (b) of Section 707 prior to 18 years of age. Youth with a period of incarceration that cannot be completed on or before their 25th birthday are ineligible for placement in the transition-aged youth program. The department may consider the availability of program credit earning opportunities that lower the total length of time a youth serves in determining eligibility.

(c) Notwithstanding any other law, following sentencing, an individual who is 18 years of age or older at the time of sentencing and who has been convicted of an offense described in subdivision (b) of Section 707 that occurred prior to 18 years of age shall remain in local detention pending a determination of acceptance or rejection by the Division of Juvenile Justice. The Division of Juvenile Justice shall notify the local detention authority upon determination of acceptance or rejection of an individual pursuant to this subdivision.

(d) An eligible person may be transferred to the Division of Juvenile Justice by the Secretary of the Department of Corrections and Rehabilitation with the approval of the Director of the Division of Juvenile Justice. Notwithstanding subdivision (b) of Section 2900 of the Penal Code, the secretary, with the concurrence of the director, may designate a facility under the jurisdiction of the Division of Juvenile Justice as a place of reception for a person described in this section.

(e) The duration of the transfer shall extend until either of the following occurs:

(1) The director orders the youth returned to the Department of Corrections and Rehabilitation.

(2) The youth's period of incarceration is completed.

(f) The Division of Juvenile Justice shall produce and submit a report to the Legislature on January 1, 2020, to assess the program. At a minimum, the report shall include all of the following:

(1) Criteria used to determine placement in the program.

(2) Guidelines for satisfactory completion of the program.

(3) Demographic data of eligible and selected participants, including, but not limited to, county of conviction, race, gender, sexual orientation, and gender identity and expression.

(4) Disciplinary infractions incurred by participants.

(5) Good conduct, milestone completion, rehabilitative achievement, and educational merit credits earned in custody.

(6) Quantitative and qualitative measures of progress in programming.

(7) Rates of attrition of program participants.

(g) The Division of Juvenile Justice shall contract with one or more independent universities or outside research organizations to evaluate the effects of participation in the program established by this section. This evaluation shall include, at a minimum, an evaluation of cost-effectiveness, recidivism data, consistency with evidence-based principles, and program fidelity. If sufficient data is available, the evaluation may also compare participant outcomes with a like group of similarly situated transition aged youth retained in the counties or incarcerated in adult institutions.

(h) The Division of Juvenile Justice shall promulgate regulations to implement this section.

(i) Effective July 1, 2020, the pilot program operated pursuant to this section shall be suspended. Any pilot program participants who were diverted from an adult prison pursuant to this section and who were housed at the Division of Juvenile Justice prior to January 1, 2020, may remain at the Division of Juvenile Justice pursuant to subdivision (e).

*(Amended (as amended by Stats. 2020, Ch. 29, Sec. 42) by Stats. 2021, Ch. 18, Sec. 15. (SB 92) Effective May 14, 2021.)*

**1731.8.** Notwithstanding any other provision of law, within 60 days of the commitment of a ward to the Department of the Youth Authority, the department shall set an initial parole consideration date for the ward and shall notify the probation department and the committing juvenile court of that date. The department shall use the category offense guidelines contained in Sections 4951 to 4957, inclusive, of, and the deviation guidelines contained in subdivision (i) of Section 4945 of, Title 15 of the California Code of Regulations, that were in effect on January 1, 2003, in setting an initial parole consideration date.

*(Added by Stats. 2003, Ch. 4, Sec. 25. Effective April 8, 2003. Operative January 1, 2004, by Sec. 52 of Ch. 4.)*

**1732.** No person convicted of violating Section 261, 262, or 264.1 of, subdivision (b) of Section 288 of, Section 289 of, or of sodomy or oral copulation by force, violence, duress, menace or threat of great bodily harm as provided in Section 286 or 287 of, or former Section 288a of, the Penal Code committed when that person was 18 years of age who has previously been convicted of any such felony shall be committed to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities. This section does not prohibit the adjournment of criminal proceedings pursuant to Division 3 (commencing with Section 3000) or Division 6 (commencing with Section 6000) of the Welfare and Institutions Code.

*(Amended by Stats. 2018, Ch. 423, Sec. 126. (SB 1494) Effective January 1, 2019.)*

**1732.5.** Notwithstanding any other provision of law, no person convicted of murder, rape or any other serious felony, as defined in Section 1192.7 of the Penal Code, committed when he or she was 18 years of age or older shall be committed to Youth Authority. The provisions of this section shall not be amended by the Legislature except by statute passed in each house by rollcall vote entered in the journal, two-thirds of the membership concurring, or by a statute that becomes effective only when approved by the electors.

*(Added June 8, 1982, by initiative Proposition 8, Sec. 8.)*

**1732.6.** (a) No minor shall be committed to the Youth Authority when he or she is convicted in a criminal action for an offense described in subdivision (c) of Section 667.5 or subdivision (c) of Section 1192.7 of the Penal Code and is sentenced to incarceration for life, an indeterminate period to life, or a determinate period of years such that the maximum number of years of potential confinement when added to the minor's age would exceed 25 years. Except as specified in subdivision (b), in all other

cases in which the minor has been convicted in a criminal action, the court shall retain discretion to sentence the minor to the Department of Corrections or to commit the minor to the Youth Authority.

(b) No minor shall be committed to the Youth Authority when he or she is convicted in a criminal action for:

(1) An offense described in subdivision (b) of Section 602, or

(2) An offense described in paragraphs (1), (2), or (3) of subdivision (d) of Section 707, if the circumstances enumerated in those paragraphs are found to be true by the trier of fact.

(3) An offense described in subdivision (b) of Section 707, if the minor had attained the age of 16 years of age or older at the time of commission of the offense.

(c) Notwithstanding any other provision of law, no person under the age of 16 years shall be housed in any facility under the jurisdiction of the Department of Corrections.

*(Amended by Stats. 2002, Ch. 787, Sec. 36. Effective January 1, 2003. Note: This section was amended on March 7, 2000, by initiative Prop. 21.)*

**1732.7.** A person who is convicted of a public offense for which the maximum penalty provided by law is imprisonment for not more than 90 days, and who is found to be less than 21 years of age at the time of his apprehension, may be committed to the Authority only if it is brought to the court's knowledge that the person has been previously convicted of a public offense or has been a ward of the juvenile court by reason of a public offense and the court is satisfied that society will best be protected by commitment to the Authority.

*(Amended by Stats. 1944, 3rd [1st] Ex. Sess., Ch. 2.)*

**1732.8.** (a) Notwithstanding any other law and subject to the provisions of this section, the Director of the Youth Authority may transfer to and cause to be confined within the custody of the Director of Corrections any person 18 years of age or older who is subject to the custody, control, and discipline of the Department of the Youth Authority and who is scheduled to be returned, or has been returned, to the Department of the Youth Authority from the Department of Corrections after serving a sentence imposed pursuant to Section 1170 of the Penal Code for a felony that was committed while he or she was in the custody of the Department of the Youth Authority.

(b) No person shall be transferred pursuant to this section until and unless the person voluntarily, intelligently, and knowingly executes a written consent to the transfer, which shall be irrevocable.

(c) Prior to being returned to the Youth Authority, a person in the custody of the Department of Corrections who is scheduled to be returned to the Department of the Youth Authority shall meet personally with a Youth Authority parole agent or other appropriate Department of the Youth Authority staff member. The parole agent or staff member shall explain, using language clearly understandable to the person, all of the following matters:

(1) What will be expected from the person when he or she returns to a Youth Authority institution in terms of cooperative daily living conduct and participation in applicable counseling, academic, vocational, work experience, or specialized programming.

(2) The conditions of parole applicable to the person, and how those conditions will be monitored and enforced while the person is in the custody of the Youth Authority.

(3) The person's right under this section to voluntarily and irrevocably consent to continue to be housed in an institution under the jurisdiction of the Department of Corrections instead of being returned to the Youth Authority.

(d) A person who has been returned to the Youth Authority after serving a sentence described in subdivision (a) may be transferred to the custody of the Department of Corrections if the person consents to the transfer after having been provided with the explanations described in subdivision (c).

(e) If a Youth Authority person consents to being housed in an institution under the jurisdiction of the Department of Corrections pursuant to this section, he or she shall be subject to the general rules and regulations of the Department of Corrections. The Youth Authority Board shall continue to determine the person's eligibility for parole at the same intervals, in the same manner, and under the same standards and criteria that would be applicable if the person were confined in the Department of the Youth Authority. However, the board shall not order or recommend any treatment, education, or other programming that is unavailable in the institution where the person is housed, and shall not deny parole to a person housed in the institution based solely on the person's failure to participate in programs unavailable to the person.

(f) Any person housed in an institution under the jurisdiction of the Department of Corrections pursuant to this section who has not attained a high school diploma or its equivalent shall participate in educational or vocational programs, to the extent the appropriate programs are available.

(g) Upon notification by the Director of Corrections that the person should no longer be housed in an institution under its jurisdiction, the Department of the Youth Authority shall immediately send for, take, and receive the person back into an institution under its jurisdiction.

*(Amended by Stats. 2003, Ch. 4, Sec. 26. Effective April 8, 2003. Operative January 1, 2004, by Sec. 52 of Ch. 4.)*

**1732.9.** (a) Notwithstanding any other law, immediately prior to closure of the Division of Juvenile Justice, a person 18 years of age or older who is subject to the custody, control, and discipline of the division and who has been sentenced to state prison pursuant to Section 1170 of the Penal Code for a felony committed while the person was in the custody of the division may voluntarily remain in an institution under the jurisdiction of the Department of Corrections and Rehabilitation to complete the remaining juvenile court commitment, subject to the provisions of this section, or may be returned to the county of commitment.

(b) Notwithstanding any other law, immediately prior to closure of the division, a person 18 years of age or older in the custody of the Department of Corrections and Rehabilitation pursuant to Section 1732.8 may voluntarily remain in an institution under the jurisdiction of the Department of Corrections and Rehabilitation to complete the person's juvenile court commitment, subject to the provisions of this section.

(c) As soon as possible, the director of the division shall notify the juvenile court of commitment, juvenile counsel of record, and the county probation agency of a person in the custody of the Department of Corrections and Rehabilitation pursuant to Section 1732.8 of this code or Section 1170 of the Penal Code for a felony committed while in the custody of the division, that the person has remaining juvenile court commitment time that can be voluntarily served at an institution under the jurisdiction of the Department of Corrections and Rehabilitation, subject to the provisions of the section. The division shall also notify the juvenile court of commitment of the youth's most recent projected board hearing date for court consideration.

(d) Prior to deciding whether to serve the remaining commitment time in the state prison or be returned to the county of commitment, a person in the custody of the Department of Corrections and Rehabilitation pursuant to Section 1732.8 who is scheduled to be returned to the county shall meet personally with a probation officer from the county of commitment and be advised by juvenile counsel of record. The probation officer shall explain, using language clearly understandable to the person, all of the following matters:

(1) What will be expected from the person when the person returns to county jurisdiction, in terms of cooperative daily living conduct and participation in applicable counseling, academic, vocational, work experience, or specialized programming.

(2) The conditions of probation applicable to the person, if set by the court, and how those conditions will be monitored and enforced.

(3) The person's right, under this section, to voluntarily and irrevocably consent to continue to be housed in an institution under the jurisdiction of the Department of Corrections and Rehabilitation instead of being returned to county custody.

(e) A person shall not be retained at the Department of Corrections and Rehabilitation pursuant to this section until and unless the person voluntarily, intelligently, and knowingly executes a written consent to the placement, which shall be irrevocable. This consent shall be irrevocable unless the youth can demonstrate that they are in danger of suffering great bodily harm. A youth returned to the county under this subdivision shall not be subsequently returned to the Department of Corrections and Rehabilitation.

(f) Notwithstanding any other law, a person who has been returned to the county after serving a sentence imposed pursuant to Section 1170 of the Penal Code for a felony committed while the person was in the custody of the division, may be transferred to the custody of the Department of Corrections and Rehabilitation if the person consents to the transfer after having been provided with the explanations described in subdivision (d), and after consulting with the juvenile counsel of record.

(g) If a person consents to being housed in an institution under the jurisdiction of the Department of Corrections and Rehabilitation pursuant to this section, the person shall be subject to the general rules and regulations of the department. The juvenile court of commitment shall continue to have jurisdiction over the juvenile case while the individual is in an institution under the jurisdiction of the Department of Corrections and Rehabilitation. The county probation department shall, with the assistance of the Department of Corrections and Rehabilitation, provide semiannual status reports to the court that summarize the person's progress in the department's care. However, the court shall not order or recommend any treatment, education, or other programming that is unavailable in the institution where the person is housed, and shall not deny release to a person housed in the institution based solely on the person's failure to participate in programs that were unavailable to the person.

(h) A person housed in an institution under the jurisdiction of the Department of Corrections and Rehabilitation pursuant to this section who has not attained a high school diploma or its equivalent shall participate in educational or vocational programs, to the extent the appropriate programs are available.

(i) Upon notification by the Secretary of the Department of Corrections and Rehabilitation that the person has completed the juvenile court commitment and should no longer be housed in an institution under its jurisdiction, the court of commitment shall immediately send for, take, and receive the person back into the county's jurisdiction.

(j) The county of commitment shall not be charged by the state for a person in custody of the Department of Corrections and Rehabilitation pursuant to this section while serving the person's juvenile court commitment.

(k) This section shall only apply to a person described in subdivision (a) or (b) who is in the custody of the Department of Corrections and Rehabilitation when the division closes. Additional persons shall not be subject to this section.

(l) This section shall remain in effect only until January 1, 2031, and as of that date is repealed.

*(Amended by Stats. 2023, Ch. 131, Sec. 223. (AB 1754) Effective January 1, 2024. Repealed as of January 1, 2031, by its own provisions.)*

**1732.10.** (a) Notwithstanding any other law, unless the committing court orders an alternative placement, upon closure of the Division of Juvenile Justice, the State Department of State Hospitals shall continue to provide evaluation, care, and treatment of state hospital patients referred by the division pursuant to Section 1756 and Interagency Agreement 21-00189, or a predecessor agreement, until clinical discharge, as defined in paragraph (9) of subdivision (b) is recommended by the State Department of State Hospitals, or until the patient referred by the division reaches the hospitalization release date in subdivision (e). When discharge is clinically indicated, the State Department of State Hospitals shall notify the juvenile court of commitment, juvenile counsel of record, the probation department, and the behavioral health department. The State Department of State Hospitals shall collaborate with county probation and behavioral health to ensure continuity of care. The division shall provide contact information for the committing court, juvenile counsel of record, and related probation department for all patients in the custody of the State Department of State Hospitals upon enactment of this section and any youth placed at the State Department of State Hospitals prior to closure of the division.

(b) Notwithstanding the confidentiality provision for information and records set forth under Section 5328, for any youth referred by the division who remains a patient after closure of the division, the State Department of State Hospitals shall do the following:

(1) Collaborate with the county probation department and behavioral health department prior to the expected discharge from the state hospital to assist the county in determining the least restrictive legal alternative placement for the youth.

(2) Provide the court, juvenile counsel of record, and county probation department, upon closure of the division and annually thereafter, a copy of the finalized treatment plan specifying the youth's goals of hospitalization, assessed needs, and how the staff will assist the youth to achieve the goals and objectives.

(3) Notify the juvenile court of commitment, juvenile counsel of record, and county probation as soon as safely possible, but no later than 24 hours following any of the following:

(A) A suicide or serious attempted suicide.

(B) A serious injury or battery, with or without a weapon.

(C) An alleged sexual assault.

(D) An escape or attempted escape.

(4) Provide county probation, biannually, a synopsis of behavioral incidences, including, but not limited to, self-harm, assault, contraband, and property damage.

(5) Notify the committing court, juvenile counsel of record, and the county probation department if a youth refuses to consent to clinically necessary medication treatment and provide the court with the clinical records and testimony necessary for the court to consider an order for involuntary medication administration. Notwithstanding any other law, the State Department of State Hospitals shall utilize the process outlined in Section 4210 of Title 9 of the California Code of Regulations and *In re Qawi* (2004) 32 Cal.4th.1 to obtain involuntary medication orders.

(6) Notify individuals covered by a youth's medical release of information, the juvenile counsel of record, the juvenile committing court, and the county probation department within 24 hours of the youth being hospitalized for a serious medical condition.

(7) Notify the youth's next of kin on record, juvenile counsel of record, the juvenile committing court, and the county probation department of the county of commitment within 24 hours, and the local county coroner and local law enforcement agencies within two hours, of the discovery of death when a youth dies during hospitalization at a state hospital, or if the death occurred immediately following transfer from a state hospital to a community medical facility.

(8) Notify the juvenile committing court, the juvenile counsel of record, and probation department if it believes the youth requires conservatorship upon discharge. For continuity of care, the State Department of State Hospitals shall accommodate any necessary access to the youth or medical records as needed for arranging conservatorship.



(9) Notify the juvenile court of commitment, juvenile counsel of record, and the county probation department when the youth is ready to discharge to the county based on the following:

(A) When the youth has improved to a degree that further hospitalization is unnecessary, or the primary illness or problem for which hospitalization was required is in substantial remission, and the remaining symptoms are those of a disorder for which hospitalization in a state hospital is not clinically necessary.

(B) When further hospitalization is unnecessary, not clinically appropriate, and will provide no further benefit.

(C) When a court has ordered an alternative placement.

(D) When the youth has reached the hospitalization release date described in subdivision (e).

(10) Provide a written discharge summary and all other pertinent medical and mental health data to the receiving juvenile court of commitment, juvenile counsel of record, and county probation department.

(c) For a youth remaining a patient in a state hospital pursuant to this section, the probation department shall do all of the following:

(1) Upon notification of discharge criteria having been met from the State Department of State Hospitals, find a placement for the patient within 45 days.

(2) Provide transportation to court appearances and from the state hospital to the county designated placement within 7 calendar days of the discharge date.

(3) Reimburse the State Department of State Hospitals for any off-site medical or surgical health care expense, if services could not be provided by the State Department of State Hospitals and prior approval was received from the county, except in cases of emergency.

(d) The county of commitment shall not be charged by the state for a person placed in a state hospital by the division prior to closure pursuant to Section 1756 or Interagency Agreement 21-00189 or a predecessor agreement, during this placement.

(e) A person in a state hospital under the provisions of Section 1756 or this section shall be released and discharged to the county of commitment no later than the person's maximum juvenile confinement time, as determined by Section 607 and all other provisions of law.

(f) Immediately prior to closure, the division shall notify the juvenile court of commitment and the juvenile counsel of record of the youth's most recent projected board hearing date for court consideration.

(g) This section shall only apply to the youth referred by the division prior to closure who remain a patient in a state hospital after closure of the division. Additional youth shall not be subject to this section.

(h) This section shall remain in effect only until January 1, 2031, and as of that date is repealed.

*(Amended by Stats. 2022, Ch. 771, Sec. 22. (AB 160) Effective September 29, 2022. Repealed as of January 1, 2031, by its own provisions.)*

**1733.** Nothing in this chapter prevents a court from revoking or suspending any license issued to the defendant under any law of this State where such revocation or suspension is otherwise provided for.

*(Added by Stats. 1941, Ch. 937.)*

**1735.** If the court sentences a person under 21 years of age at the time of his apprehension to the payment of a fine and the fine is not paid, the court may either remit the fine in whole or in part, or commit him to confinement for a length of time permitted by the statutes relating to imprisonment for failure to pay fines. But such confinement may be only in a place approved by the Authority.

*(Amended by Stats. 1944, 3rd [1st] Ex. Sess., Ch. 2.)*

**1736.** The juvenile court may in its discretion commit persons subject to its jurisdiction to the authority, and the authority may in its discretion accept such commitments.

*(Added by Stats. 1941, Ch. 937.)*

**1737.** When a person has been committed to the custody of the authority, if it is deemed warranted by a diagnostic study and recommendation approved by the director, the judge who ordered the commitment or, if the judge is not available, the presiding judge of the court, within 120 days of the date of commitment on his or her own motion, or the court, at any time thereafter upon recommendation of the director, may recall the commitment previously ordered and resentence the person as if he or she had not previously been sentenced. The time served while in custody of the authority shall be credited toward the term of any person resentenced pursuant to this section.

As used in this section, "time served while in custody of the authority" means the period of time during which the person was physically confined in a state institution by order of the Department of the Youth Authority or the Youth Authority Board.

*(Amended by Stats. 2003, Ch. 4, Sec. 27. Effective April 8, 2003. Operative January 1, 2004, by Sec. 52 of Ch. 4.)*

**1737.1.** Whenever any person who has been convicted of a public offense in adult court and committed to and accepted by the Department of the Youth Authority appears to be an improper person to be retained by the department, or to be so incorrigible or so incapable of reformation under the discipline of the department as to render his or her detention detrimental to the interests of the department and the other persons committed thereto, the department may order the return of that person to the committing court. The court may then commit the person to a state prison or sentence him or her to a county jail as provided by law for punishment of the offense of which he or she was convicted. The maximum term of imprisonment for a person committed to a state prison under this section shall be a period equal to the maximum term prescribed by law for the offense of which he or she was convicted less the period during which he or she was under the control of the department. This section shall not apply to commitments from juvenile court.

As used in this section "period during which he or she was under the control of the department" means the period of time during which he or she was physically confined in a state institution by order of the department or the Youth Authority Board.

*(Amended by Stats. 2003, Ch. 4, Sec. 28. Effective April 8, 2003. Operative January 1, 2004, by Sec. 52 of Ch. 4.)*

**1737.5.** A commitment to the Authority is a judgment within the meaning of Chapter 1 of Title 8 of Part 2 of the Penal Code, and is appealable.

*(Added by Stats. 1943, Ch. 898.)*

**1738.** When the court commits a person to the authority the court may order him conveyed to some place of detention approved or established by the authority or may direct that he be left at liberty until otherwise ordered by the authority under such conditions as in the court's opinion will insure his submission to any orders which the authority may issue. No such person shall be transported to any facility under the jurisdiction of the Youth Authority until the director has notified the sheriff of the county of the committing court of the place to which said person is to be transported and the time at which he can be received.

*(Amended by Stats. 1969, Ch. 1197.)*

**1739.** (a) The right of a person who has been convicted of a public offense to a new trial or to an appeal from the judgment of conviction shall not be affected by anything in this chapter.

(b) When a person who has been convicted and committed to the Authority appeals from the conviction, the execution of the commitment to the Authority shall not be stayed by the taking of the appeal except as provided in subsection (c). The person so committed shall remain subject to the control of the Authority, until final disposition of the appeal.

(c) A person convicted and committed to the Authority may be admitted to bail under the provisions of Section 1272 of the Penal Code, or in the discretion of the court, may be left at liberty, under such conditions as in the court's opinion will insure his cooperation in reasonable expedition of the appellate proceedings and his submission to the control of the Authority at the proper time.

*(Added by Stats. 1941, Ch. 937.)*

**1740.** When a court commits a person to the Authority such court shall at once forward to the Authority a certified copy of the order of commitment.

*(Added by Stats. 1941, Ch. 937.)*

**1741.** The judge before whom the person was tried and committed, the district attorney or other official who conducted the prosecution, and the probation officer of the county, shall obtain and with the order of commitment furnish to the authority, in writing, all information that can be given in regard to the career, habits, degree of education, age, nationality, parentage and previous occupations of such person, together with a statement to the best of their knowledge as to whether such person was industrious, and of good character, the nature of his associates and his disposition.

The reports required by this section shall be made upon forms furnished by the authority or according to an outline furnished by it.

When a person has been committed to the authority, the court and the prosecuting and police authorities and other public officials shall make available to the authority all pertinent data in their possession in respect to the case.

*(Amended by Stats. 1961, Ch. 79.)*

**1742.** When the juvenile court commits to the Youth Authority a person identified as an individual with exceptional needs, as defined by Section 56026 of the Education Code, the juvenile court, subject to the requirements of subdivision (a) of Section 727 and subdivision (b) of Section 737, shall not order the juvenile conveyed to the physical custody of the Youth Authority until the juvenile's



individualized education program previously developed pursuant to Article 3 (commencing with Section 56340) of Chapter 4 of Part 30 of Division 4 of Title 2 of the Education Code for the individual with exceptional needs, has been furnished to the Department of the Youth Authority.

To facilitate this process the juvenile court shall assure that the probation officer communicates with appropriate staff at the juvenile court school, county office of education, or special education local planning area.

*(Added by Stats. 1993, Ch. 175, Sec. 1. Effective January 1, 1994.)*