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AB-624 Juveniles: transfer to court of criminal jurisdiction: appeals. (2021-2022)

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Assembly Bill No. 624

CHAPTER 195

An act to add Section 801 to the Welfare and Institutions Code, relating to juveniles.

[Approved by Governor September 22, 2021. Filed with Secretary of State September 22, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 624, Bauer-Kahan. Juveniles: transfer to court of criminal jurisdiction: appeals.

Existing law subjects a minor between 12 and 17 years of age, inclusive, who violates any federal, state, or local law or ordinance to, and a minor under 12 years of age who is alleged to have committed specified serious offenses to the jurisdiction of the juvenile court, which may adjudge the minor to be a ward of the court. Existing law authorizes the district attorney to make a motion to transfer a minor from juvenile court to a court of criminal jurisdiction in a case in which a minor is alleged to have committed a felony when the minor was 16 years of age or older, or in a case in which a specified serious offense is alleged to have been committed by a minor when the minor was 14 or 15 years of age, but the minor was not apprehended prior to the end of juvenile court jurisdiction.

This bill would make an order transferring a minor from a juvenile court to a court of criminal jurisdiction subject to appeal. This bill would require an order transferring a minor from the juvenile court to a court of criminal jurisdiction to be subject to immediate appellate review if a notice of appeal is filed within 30 days of the order transferring the minor. The bill would, upon request of the minor, require the superior court to issue a stay of the criminal court proceedings until a final determination of the appeal. The bill would require the appeal to have precedence in the court to which the appeal is taken and to be determined as soon as practicable after the notice of appeal is filed. The bill would require the Judicial Council to adopt rules of court, as specified.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 801 is added to the Welfare and Institutions Code, to read:

801. (a) An order transferring a minor from the juvenile court to a court of criminal jurisdiction shall be subject to immediate appellate review if a notice of appeal is filed within 30 days of the order transferring the minor to a court of criminal jurisdiction. An order transferring the minor from the juvenile court to a court of criminal jurisdiction may not be heard on appeal from the judgment of conviction.

(b) Upon request of the minor, the superior court shall issue a stay of the criminal court proceedings until a final determination of the appeal. The superior court shall retain jurisdiction to modify or lift the stay upon request of the minor.

(c) The appeal shall have precedence in the court to which the appeal is taken and shall be determined as soon as practicable after the notice of appeal is filed.

(d) The Judicial Council shall adopt rules of court to ensure all of the following:

(1) The juvenile court shall advise the minor of the right to appeal, of the necessary steps and time for taking an appeal, and of the right to the appointment of counsel if the minor is unable to retain counsel.

(2) Following the timely filing of a notice of appeal, the prompt preparation and transmittal of the record from the superior court to the appellate court.

(3) Adequate time requirements for counsel and court personnel shall exist to implement the objectives of this section.

(e) It is the intent of the Legislature that this section provides for an expedited review on the merits by the appellate court of an order transferring the minor from the juvenile court to a court of criminal jurisdiction.