

AMENDED IN ASSEMBLY APRIL 2, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 1258

Introduced by Assembly Member Kalra

February 21, 2025

An act to ~~add and repeal~~ *amend* Section 1000.7 of the Penal Code, relating to diversion.

LEGISLATIVE COUNSEL’S DIGEST

AB 1258, as amended, Kalra. Deferred entry of judgment pilot program.

Existing law authorizes, until January 1, 2026, the Counties of Alameda, Butte, Nevada, and Santa Clara to establish a pilot program to operate a deferred entry of judgment pilot program for eligible defendants who are 18 years of age or older, but under 21 years of age, on the date the offense was committed, as specified. Existing law requires the Board of State and Community Corrections to review a county’s pilot program to ensure compliance with specific federal law, and further requires a probation department to submit data relating to the effectiveness of the pilot program to the Division of Recidivism Reduction and Re-Entry, within the Department of Justice. Existing law requires a participating county to submit an evaluation of its pilot program’s impact and effectiveness to the Assembly and Senate Committees on Public Safety, no later than December 31, 2024.

This bill would extend the pilot program, for the ~~County of~~ *Counties of Butte, Nevada, and Santa Clara*, to January 1, 2029, and would require an evaluation to be submitted to the Assembly and Senate Committees on Public Safety no later than December 31, 2027.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 1000.7 of the Penal Code is amended to*
2 *read:*

3 1000.7. (a) The following counties may establish a pilot
4 program pursuant to this section to operate a deferred entry of
5 judgment pilot program for eligible defendants described in
6 subdivision (b):

7 ~~(1) County of Alameda.~~

8 ~~(2)~~

9 (1) County of Butte.

10 ~~(3)~~

11 (2) County of Nevada.

12 ~~(4)~~

13 (3) County of Santa Clara.

14 (b) A defendant may participate in a deferred entry of judgment
15 pilot program within the county's juvenile hall if that person is
16 charged with committing a felony offense, other than the offenses
17 listed under subdivision (d), pleads guilty to the charge or charges,
18 and the probation department determines that the person meets all
19 of the following requirements:

20 (1) Is 18 years of age or older, but under 21 years of age, on the
21 date the offense was committed. A defendant who is 21 years of
22 age or older, but under 25 years of age, on the date the offense was
23 committed, may participate in the program with the approval of
24 the multidisciplinary team established pursuant to paragraph (2)
25 of subdivision (m).

26 (2) Is suitable for the program after evaluation using a risk
27 assessment tool, as described in subdivision (c).

28 (3) Shows the ability to benefit from services generally reserved
29 for delinquents, including, but not limited to, cognitive behavioral
30 therapy, other mental health services, and age-appropriate
31 educational, vocational, and supervision services, that are currently
32 deployed under the jurisdiction of the juvenile court.

33 (4) Meets the rules of the juvenile hall developed in accordance
34 with the applicable regulations set forth in Title 15 of the California
35 Code of Regulations.

1 (5) Does not have a prior or current conviction for committing
2 an offense listed under subdivision (c) of Section 1192.7,
3 subdivision (c) of Section 667.5, or subdivision (b) of Section 707
4 of the Welfare and Institutions Code.

5 (6) Is not required to register as a sex offender pursuant to
6 Chapter 5.5 (commencing with Section 290) of Title 9 of Part 1.

7 (c) The probation department, in consultation with the superior
8 court, district attorney, and sheriff of the county or the
9 governmental body charged with operating the county jail, shall
10 develop an evaluation process using a risk assessment tool to
11 determine eligibility for the program.

12 (d) A defendant is ineligible for the program if they are required
13 to register as a sex offender pursuant to Chapter 5.5 (commencing
14 with Section 290) of Title 9 of Part 1 or have been convicted of
15 one or more of the following offenses:

16 (1) An offense listed under subdivision (c) of Section 1192.7.

17 (2) An offense listed under subdivision (c) of Section 667.5.

18 (3) An offense listed under subdivision (b) of Section 707 of
19 the Welfare and Institutions Code.

20 (e) The court shall grant deferred entry of judgment if an eligible
21 defendant consents to participate in the program, waives the right
22 to a speedy trial or a speedy preliminary hearing, pleads guilty to
23 the charge or charges, and waives time for the pronouncement of
24 judgment.

25 (f) (1) If the probation department determines that the defendant
26 is ineligible for the deferred entry of judgment pilot program or
27 the defendant does not consent to participate in the program, the
28 proceedings shall continue as in any other case.

29 (2) If it appears to the probation department that the defendant
30 is performing unsatisfactorily in the program as a result of the
31 commission of a new crime or the violation of any of the rules of
32 the juvenile hall, or that the defendant is not benefiting from the
33 services in the program, the probation department may make a
34 motion for entry of judgment. After notice to the defendant, the
35 court shall hold a hearing to determine whether judgment should
36 be entered. If the court finds that the defendant is performing
37 unsatisfactorily in the program or that the defendant is not
38 benefiting from the services in the program, the court shall render
39 a finding of guilt to the charge or charges pleaded, enter judgment,
40 and schedule a sentencing hearing as otherwise provided in this

code, and the probation department, in consultation with the county sheriff, shall remove the defendant from the program and return the defendant to custody in county jail. The mechanism of when and how the defendant is moved from custody in juvenile hall to custody in a county jail shall be determined by the local multidisciplinary team specified in paragraph (2) of subdivision (m).

(3) If the defendant has performed satisfactorily during the period in which deferred entry of judgment was granted, at the end of that period, the court shall dismiss the criminal charge or charges.

(g) A defendant shall serve no longer than one year in custody within a county's juvenile hall pursuant to the program.

(h) The probation department shall develop a plan for reentry services, including, but not limited to, housing, employment, and education services, as a component of the program.

(i) The probation department shall submit data relating to the effectiveness of the program to the Division of Recidivism Reduction and Re-Entry, within the Department of Justice, including recidivism rates for program participants as compared to recidivism rates for similar populations in the adult system within the county.

(j) A defendant participating in this program shall not come into contact with minors within the juvenile hall for any purpose, including, but not limited to, housing, recreation, or education.

(k) Before establishing a pilot program pursuant to this section, the county shall apply to the Board of State and Community Corrections for approval of a county institution as a suitable place for confinement for the purpose of the pilot program. The board shall review and approve or deny the application of the county within 30 days of receiving notice of this proposed use. In its review, the board shall take into account the available programming, capacity, and safety of the institution as a place for the confinement and rehabilitation of individuals within the jurisdiction of the criminal court and those within the jurisdiction of the juvenile court.

(l) The Board of State and Community Corrections shall review a county's pilot program to ensure compliance with requirements of the federal Juvenile Justice and Delinquency Prevention Act of

1 1974 (34 U.S.C. Sec. 11101 et seq.), as amended, relating to “sight
2 and sound” separation between juveniles and adult inmates.

3 (m) (1) This section applies to a defendant who would otherwise
4 serve time in custody in a county jail. Participation in a program
5 pursuant to this section shall not be authorized as an alternative to
6 a sentence involving community supervision.

7 (2) Each county shall establish a multidisciplinary team that
8 shall meet periodically to review and discuss the implementation,
9 practices, and impact of the program. The team shall include
10 representatives from all of the following:

11 (A) ~~Probation~~ *The probation* department.

12 (B) The district attorney’s office.

13 (C) The public defender’s office.

14 (D) The sheriff’s department.

15 (E) Courts located in the county.

16 (F) The county board of supervisors.

17 (G) The county health and human services department.

18 (H) A youth advocacy group.

19 (n) (1) A county that establishes a pilot program pursuant to
20 this section shall conduct an evaluation of the pilot program’s
21 impact and effectiveness in their county. The evaluation shall
22 include, but not be limited to, evaluating the pilot program’s impact
23 on sentencing and impact on opportunities for community
24 supervision, monitoring the program’s effect on minors in the
25 juvenile facility, if any, and its effectiveness with respect to
26 program participants, including outcome-related data for program
27 participants compared to young adult offenders sentenced for
28 comparable crimes.

29 (2) Each county shall prepare a report based on the evaluation
30 conducted pursuant to paragraph (1) and shall submit the report
31 to the Assembly and Senate Committees on Public Safety, no later
32 than December 31, ~~2024~~ 2027.

33 (3) Counties may contract with an independent entity, including,
34 but not limited to, the Regents of the University of California, for
35 the purposes of conducting the evaluation and preparing the report
36 pursuant to this subdivision.

37 (4) To continue to participate in the pilot program, authorized
38 counties shall comply with the reporting requirement in paragraph
39 (2).

(o) This chapter shall remain in effect only until January 1, 2026, 2029, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2026, 2029, deletes or extends that date.

SECTION 1. ~~Section 1000.7 is added to the Penal Code, to read:~~

~~1000.7. (a) The County of Santa Clara may establish a pilot program pursuant to this section to operate a deferred entry of judgment pilot program for eligible defendants described in subdivision (b).~~

~~(b) A defendant may participate in a deferred entry of judgment pilot program within the county's juvenile hall if that person is charged with committing a felony offense, other than the offenses listed under subdivision (d), pleads guilty to the charge or charges, and the probation department determines that the person meets all of the following requirements:~~

~~(1) Is 18 years of age or older, but under 21 years of age, on the date the offense was committed. A defendant who is 21 years of age or older, but under 25 years of age, on the date the offense was committed, may participate in the program with the approval of the multidisciplinary team established pursuant to paragraph (2) of subdivision (m).~~

~~(2) Is suitable for the program after evaluation using a risk assessment tool, as described in subdivision (e).~~

~~(3) Shows the ability to benefit from services generally reserved for delinquents, including, but not limited to, cognitive behavioral therapy, other mental health services, and age-appropriate educational, vocational, and supervision services, that are currently deployed under the jurisdiction of the juvenile court.~~

~~(4) Meets the rules of the juvenile hall developed in accordance with the applicable regulations set forth in Title 15 of the California Code of Regulations.~~

~~(5) Does not have a prior or current conviction for committing an offense listed under subdivision (c) of Section 1192.7, subdivision (c) of Section 667.5, or subdivision (b) of Section 707 of the Welfare and Institutions Code.~~

~~(6) Is not required to register as a sex offender pursuant to Chapter 5.5 (commencing with Section 290) of Title 9 of Part 1.~~

~~(e) The probation department, in consultation with the superior court, district attorney, and sheriff of the county or the~~

1 governmental body charged with operating the county jail, shall
2 develop an evaluation process using a risk assessment tool to
3 determine eligibility for the program.

4 (d) A defendant is ineligible for the program if they are required
5 to register as a sex offender pursuant to Chapter 5.5 (commencing
6 with Section 290) of Title 9 of Part 1 or have been convicted of
7 one or more of the following offenses:

8 (1) An offense listed under subdivision (c) of Section 1192.7.

9 (2) An offense listed under subdivision (c) of Section 667.5.

10 (3) An offense listed under subdivision (b) of Section 707 of
11 the Welfare and Institutions Code.

12 (e) The court shall grant deferred entry of judgment if an eligible
13 defendant consents to participate in the program, waives the right
14 to a speedy trial or a speedy preliminary hearing, pleads guilty to
15 the charge or charges, and waives time for the pronouncement of
16 judgment.

17 (f) (1) If the probation department determines that the defendant
18 is ineligible for the deferred entry of judgment pilot program or
19 the defendant does not consent to participate in the program, the
20 proceedings shall continue as in any other case.

21 (2) If it appears to the probation department that the defendant
22 is performing unsatisfactorily in the program as a result of the
23 commission of a new crime or the violation of any of the rules of
24 the juvenile hall, or that the defendant is not benefiting from the
25 services in the program, the probation department may make a
26 motion for entry of judgment. After notice to the defendant, the
27 court shall hold a hearing to determine whether judgment should
28 be entered. If the court finds that the defendant is performing
29 unsatisfactorily in the program or that the defendant is not
30 benefiting from the services in the program, the court shall render
31 a finding of guilt to the charge or charges pleaded, enter judgment,
32 and schedule a sentencing hearing as otherwise provided in this
33 code, and the probation department, in consultation with the county
34 sheriff, shall remove the defendant from the program and return
35 the defendant to custody in county jail. The mechanism of when
36 and how the defendant is moved from custody in juvenile hall to
37 custody in a county jail shall be determined by the local
38 multidisciplinary team specified in paragraph (2) of subdivision
39 (m).

1 ~~(3) If the defendant has performed satisfactorily during the~~
2 ~~period in which deferred entry of judgment was granted, at the end~~
3 ~~of that period, the court shall dismiss the criminal charge or~~
4 ~~charges.~~

5 ~~(g) A defendant shall serve no longer than one year in custody~~
6 ~~within a county's juvenile hall pursuant to the program.~~

7 ~~(h) The probation department shall develop a plan for reentry~~
8 ~~services, including, but not limited to, housing, employment, and~~
9 ~~education services, as a component of the program.~~

10 ~~(i) The probation department shall submit data relating to the~~
11 ~~effectiveness of the program to the Division of Recidivism~~
12 ~~Reduction and Re-Entry, within the Department of Justice,~~
13 ~~including recidivism rates for program participants as compared~~
14 ~~to recidivism rates for similar populations in the adult system~~
15 ~~within the county.~~

16 ~~(j) A defendant participating in this program shall not come into~~
17 ~~contact with minors within the juvenile hall for any purpose,~~
18 ~~including, but not limited to, housing, recreation, or education.~~

19 ~~(k) Before establishing a pilot program pursuant to this section,~~
20 ~~the County of Santa Clara shall apply to the Board of State and~~
21 ~~Community Corrections for approval of a county institution as a~~
22 ~~suitable place for confinement for the purpose of the pilot program.~~
23 ~~The board shall review and approve or deny the application of the~~
24 ~~county within 30 days of receiving notice of this proposed use. In~~
25 ~~its review, the board shall take into account the available~~
26 ~~programming, capacity, and safety of the institution as a place for~~
27 ~~the confinement and rehabilitation of individuals within the~~
28 ~~jurisdiction of the criminal court and those within the jurisdiction~~
29 ~~of the juvenile court.~~

30 ~~(l) The Board of State and Community Corrections shall review~~
31 ~~the county's pilot program to ensure compliance with requirements~~
32 ~~of the federal Juvenile Justice and Delinquency Prevention Act of~~
33 ~~1974 (34 U.S.C. Sec. 11101 et seq.), as amended, relating to "sight~~
34 ~~and sound" separation between juveniles and adult inmates.~~

35 ~~(m) (1) This section applies to a defendant who would otherwise~~
36 ~~serve time in custody in a county jail. Participation in a program~~
37 ~~pursuant to this section shall not be authorized as an alternative to~~
38 ~~a sentence involving community supervision.~~

39 ~~(2) The County of Santa Clara shall establish a multidisciplinary~~
40 ~~team that shall meet periodically to review and discuss the~~

1 implementation, practices, and impact of the program. The team
2 shall include representatives from all of the following:

3 (A) Probation department.

4 (B) The district attorney's office.

5 (C) The public defender's office.

6 (D) The sheriff's department.

7 (E) Courts located in the county.

8 (F) The county board of supervisors.

9 (G) The county health and human services department.

10 (H) A youth advocacy group.

11 (n) (1) If the County of Santa Clara establishes a pilot program
12 pursuant to this section, the county shall conduct an evaluation of
13 the pilot program's impact and effectiveness in their county. The
14 evaluation shall include, but not be limited to, evaluating the pilot
15 program's impact on sentencing and impact on opportunities for
16 community supervision, monitoring the program's effect on minors
17 in the juvenile facility, if any, and its effectiveness with respect to
18 program participants, including outcome-related data for program
19 participants compared to young adult offenders sentenced for
20 comparable crimes.

21 (2) The County of Santa Clara shall prepare a report based on
22 the evaluation conducted pursuant to paragraph (1) and shall submit
23 the report to the Assembly and Senate Committees on Public
24 Safety, no later than December 31, 2027.

25 (3) The County of Santa Clara may contract with an independent
26 entity, including, but not limited to, the Regents of the University
27 of California, for the purposes of conducting the evaluation and
28 preparing the report pursuant to this subdivision.

29 (4) To continue to participate in the pilot program, the County
30 of Santa Clara shall comply with the reporting requirement in
31 paragraph (2).

32 (o) This chapter shall remain in effect only until January 1,
33 2029, and as of that date is repealed, unless a later enacted statute,
34 that is enacted before January 1, 2029, deletes or extends that date.