

ASSEMBLY BILL

No. 1258

Introduced by Assembly Member Kalra

February 21, 2025

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1258, as introduced, 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 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:

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 (c).

(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.

(c) The probation department, in consultation with the superior court, district attorney, and sheriff of the county or the governmental body charged with operating the county jail, shall

1 develop an evaluation process using a risk assessment tool to
2 determine eligibility for the program.

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

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

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

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

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

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

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

39 (3) If the defendant has performed satisfactorily during the
40 period in which deferred entry of judgment was granted, at the end

1 of that period, the court shall dismiss the criminal charge or
2 charges.

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

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

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

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

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

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

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

37 (2) The County of Santa Clara shall establish a multidisciplinary
38 team that shall meet periodically to review and discuss the
39 implementation, practices, and impact of the program. The team
40 shall include representatives from all of the following:

- 1 (A) Probation department.
- 2 (B) The district attorney's office.
- 3 (C) The public defender's office.
- 4 (D) The sheriff's department.
- 5 (E) Courts located in the county.
- 6 (F) The county board of supervisors.
- 7 (G) The county health and human services department.
- 8 (H) A youth advocacy group.

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

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

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

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

30 (o) This chapter shall remain in effect only until January 1,
31 2029, and as of that date is repealed, unless a later enacted statute,
32 that is enacted before January 1, 2029, deletes or extends that date.