

RECENT BALLOT MEASURES

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SB 10 Bail Reform

Reforms California's money bail system. Takes effect October 2019

SB 439 - Jurisdiction of the Juvenile Court

Prohibits the prosecution of children under the age of 12 in juvenile court, except when a minor is alleged to have committed murder or rape by force.

SB 1050 - Exonerated Inmates

Provides critical services to exonerated people upon release, including Medi-Cal, CalFresh, work training programs and gate money.

SB 1232 - Victims of Crime: Application for Compensation

Extends the time in which a young person who has been a victim of crime, can submit an application for compensation from three years after their 18th birthday to three years after their 21st birthday.

SB 1391 - Juveniles: Fitness for Juvenile Court Amends Prop. 57 by repealing the authority of a district attorney to make a motion to transfer a minor from juvenile court to a court of criminal jurisdiction in a case where a minor committed a serious offense when he or she was 14 or 15 years of age. (See more on Prop 57 below)

SB1393 - Sentencing

Removes the five-year automatic sentence enhancement for people with prior serious felony conviction, thus restoring the court's decision in the interest of justice.

SB1437 - Accomplice Liability for Felony Murder

Restores proportional responsibility in the application of California's murder statute reserving the harshest punishment for those who intentionally plan or commit murder.

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PROP 57

Court: Ballot measure on juvenile crimes applies to earlier cases A California court said Monday, March 13, 2017, that a ballot measure requiring juvenile court judges to decide whether a youth should be tried as an adult applies to cases filed before the measure passed in November.

In a ruling that could affect hundreds of cases, a state appeals court said Monday that a ballot proposition requiring juvenile court judges, rather than prosecutors, to decide

whether a youth should be tried as an adult applies to charges filed before the measure passed in November.

The measure, Proposition 57, sponsored by Gov. Jerry Brown, was approved by 64 percent of the state's voters. Its best-known provision allowed early parole hearings for prisoners serving long terms for crimes that the law defined as nonviolent. Monday's ruling involved a separate section that reduced prosecutors' authority to charge juveniles in adult court.

Juveniles as young as 14 who are convicted in adult court can be sentenced to the same terms as adults — up to life in prison for murder and some crimes involving guns. Those convicted in juvenile court must be released at age 23, except in rare cases when a judge finds that a youth poses a danger to society.

A 2000 ballot measure allowed prosecutors to charge juveniles aged 14 to 17 in adult court. Prop. 57 restored the pre-2000 law, requiring a prosecutor to seek approval from a juvenile court judge, who would assess the youth's record, background and charges before deciding where the case belonged. The law presumes that youths should be tried as juveniles unless prosecutors can prove otherwise.

The court case arose in Riverside County, where prosecutors charged a juvenile, Pablo L., in adult court in June with several crimes including sexual assault. After Prop. 57 passed, his lawyers sought to transfer his case to juvenile court for a hearing to determine where he should be tried. Prosecutors opposed the request and said the ballot measure applied only to newly filed cases, not to those that had been charged before it passed.

The Fourth District Court of Appeal in Riverside disagreed. In a 3-0 ruling, the first by an appellate court on the issue, Presiding Justice Manuel Ramirez said ballot materials accompanying Prop. 57 indicated that the voters intended the new rules on juveniles to take effect "immediately." That would include cases that had been charged before Prop. 57 but had not yet gone to trial, he said.

Steven Mitchell, a lawyer for the youth, said the ruling honored the intent of the voters, who "wanted juveniles to be tried as juveniles." He said most district attorneys' offices in the state had adopted such a policy on their own.

San Francisco District Attorney George Gascón's office said it follows that policy. But the Riverside County district attorney's office said in a court filing that it had 57 other cases in the same posture as Monday's case. The office declined to comment on the ruling, which it could appeal to the state Supreme Court.

Bob Egelko is a San Francisco Chronicle staff writer.