

LEXSTAT CAL WEL & INST CODE § 654.3

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THROUGH 2007-2008 THIRD EXTRAORDINARY SESSION CH. 6 AND
CH. 12 OF THE 2008 REGULAR SESSION APPROVED 4/29/08

WELFARE AND INSTITUTIONS CODE
Division 2. Children
Part 1. Delinquents and Wards of the Juvenile Court
Chapter 2. Juvenile Court Law
Article 16. Wards-Commencement of Proceedings

GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION

Cal Wel & Inst Code § 654.3 (2007)

§ 654.3. Eligibility for program of supervision; Exceptions

No minor shall be eligible for the program of supervision set forth in Section 654 or 654.2 in the following cases, except in an unusual case where the interests of justice would best be served and the court specifies on the record the reasons for its decision:

- (a) A petition alleges that the minor has violated an offense listed in subdivision (b) of Section 707.
- (b) A petition alleges that the minor has sold or possessed for sale a controlled substance as defined in Chapter 2 (commencing with *Section 11053*) of *Division 10 of the Health and Safety Code*.
- (c) A petition alleges that the minor has violated *Section 11350 or 11377 of the Health and Safety Code* where the violation takes place at a public or private elementary, vocational, junior high school, or high school, or a violation of *Section 245.5, 626.9, or 626.10 of the Penal Code*.
- (d) A petition alleges that the minor has violated *Section 186.22 of the Penal Code*.
- (e) The minor has previously participated in a program of supervision pursuant to Section 654.
- (f) The minor has previously been adjudged a ward of the court pursuant to Section 602.
- (g) A petition alleges that the minor has violated an offense in which the restitution owed to the victim exceeds one thousand dollars (\$1,000). For purposes of this subdivision, the definition of "victim" in paragraph (1) of subdivision (a) of Section 730.6 and "restitution" in subdivision (h) of Section 730.6 shall apply.
- (h) The minor is alleged to have committed a felony offense when the minor was at least 14 years of age. Except in unusual cases where the court determines the interest of justice would best be served by a proceeding pursuant to Section 654 or 654.2, a petition alleging that a minor who is 14 years of age or over has committed a felony offense shall proceed under Article 20.5 (commencing with Section 790) or Article 17 (commencing with Section 675).

HISTORY:

Added Stats 1989 ch 1117 § 12. Amended Stats 1994 ch 453 § 7 (AB 560); Stats 1996 ch 1077 § 32 (AB 2898). Amendment adopted by voters, Prop 21 § 22, effective March 8, 2000.

NOTES:**Amendments:****1994 Amendment:**

Added "or (e) or paragraph (2) of subdivision (d)" in subd (a).

1996 Amendment:

Amended the last sentence of subd (g) by substituting (1) "subdivision" for "paragraph" after "For purposes of this"; and (2) "Section 730.6 and 'restitution' in subdivision (h) of Section 730.6" for "Section 729.6 and 'restitution' in subdivision (d) of Section 729.6".

2000 Amendment (Prop 21):

(1) Amended subd (a) by deleting "or (e) or paragraph (2) of subdivision (d)" after "listed in subdivision (b)"; and (2) added subd (h).

Editor's Notes

For legislative findings and declarations, see 1989 Note following *W & I C § 601.4*.

For citation of act, findings and declarations, legislative intent, severability, and amendment by Legislature, see 2000 Note following *W & I C § 602*.

Cross References:

Grounds for continuance of jurisdiction hearing: *CRC Rule 1486*.

Court orders at disposition hearing: *CRC Rule 1493*.

Collateral References:

10 Witkin Summary (10th ed) Parent and Child §§ 768, 890.

Law Review Articles:

From Playpens to Prisons: What the Gang Violence and Juvenile Crime Prevention Act of 1998 Does to California's Juvenile Justice System and Reasons to Repeal it. *30 Golden Gate LR 233*.

Review of 1989 Legislation. *21 Pacific LJ 529*.

Hierarchy Notes:

Div. 2, Pt. 1, Ch. 2, Art. 16 Note