

# AB 1127 (Santiago and Quirk) Juvenile Three Strike Reform

## Bill Summary

[AB 1127](#) would eliminate strikes committed as a juvenile from being used to enhance future adult felonies. This bill would also allow people to petition for resentencing if their prior juvenile adjudication was used to enhance an adult felony conviction.

## Existing Law

Prohibits an adjudication of a minor to be deemed a conviction of a crime for any purpose and prohibits a juvenile proceeding to be deemed a criminal proceeding (Welfare and Institutions Code Section 203).

Allows for specified serious or violent felonies that are found true in juvenile court to constitute a prior serious or violent felony in a future adult felony criminal proceeding if the offense is listed in both Welfare and Institutions Code Section 707(b) and Penal Code Section 667.5(c) or 1192.7(c).

## Background

California's 1994 "Three Strikes" law was born out of America's "tough on crime" era that led to the United States having the largest prison population in the world. California's Three Strikes laws affects how adults are sentenced after being convicted of a serious or violent felony, commonly referred to as a "strike," to deter crime with harsher sentences. Strikes increase the sentencing structure on any future felony committed as an adult. The sentence of any future strike can be doubled, and a conviction of a third strike could result in life in prison. The repercussions of a juvenile strike are exactly the same as the repercussions of an adult strike.

However, juvenile delinquency proceedings and criminal proceedings are substantially different. Juvenile delinquency proceedings are not criminal proceedings. A minor is not "convicted" but is "adjudicated a ward of the court," meaning a judge found the minor committed a delinquent act. Juveniles are also not entitled to a trial by a jury of their peers, because juvenile proceedings are not criminal proceedings. Additionally, the primary purpose of juvenile court proceedings is rehabilitation, and thus juvenile court adjudications should not be used for such a punitive purpose in the future.

California has reformed its Three Strikes law to address its unintended consequences. In 2012, Californians passed Proposition 36 to eliminate life sentences for non-serious, non-violent crimes and allow incarcerated people affected by these provisions to petition for resentencing. This was a major step to undoing the punitive penalties of California's Three Strikes law, but juveniles are still unjustly affected.

## Need for AB 1127

Science has shown that the adolescent brain is not fully developed and thus makes different decisions than an adult brain. Juveniles have a lack of maturity and an underdeveloped sense of responsibility that leads to recklessness, and impulsivity, particularly when it comes to committing crimes.

Unfortunately, juvenile strikes disproportionately affect youth of color, especially Black youth. Black youth are more likely to face strike charges, and Black adults

are more likely to have longer sentences because of that past juvenile strike. The application of the Three Strikes Law to adjudicated juveniles is inherently unjust. For example, if a youth robs a grocery store and pushes someone down, they can be adjudicated for robbery and assault (strike one). If the youth gets into a fight and breaks their opponent's phone, they can be adjudicated for an assault and destruction of property (strike 2). As an adult, if this same person were to steal a car (strike 3), they would face 25 years to life in prison.

California needs to reform its criminal justice system and reduce the unnecessary mass incarceration of our youth, especially our youth of color. AB 1127 will reform the Three Strikes law by eliminating strikes committed and adjudicated as a juvenile from counting as enhancements in future adult felonies. This bill will also bring justice to youth adjudicated for crimes as a minor by allowing people to petition for resentencing if their prior juvenile strike was used as an enhancement in their future adult felony.

This bill does not change a judge's discretion to reasonably sentence a juvenile for their crimes or to transfer a juvenile to criminal court to be tried as an adult if the crime is egregious.

By eliminating juvenile strikes, AB 1127 will take much-needed steps to reduce mass incarceration in our state and allow California to lead the nation in addressing the disparate impact that juvenile strike laws have on people of color.

### **Support**

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George Gascon, Los Angeles County District Attorney (Sponsor)  
Pacific Juvenile Defender Center (Sponsor)  
Anti-Recidivism Coalition  
Drug Policy Alliance  
National Center for Youth Law

Smart Justice California

### **Opposition**

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None on file.

### **For More Information**

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