



REBECCA BAUER-KAHAN  
Assemblymember, District 16

## AB 624 – Youth Fair Process Act – Fact Sheet

### Summary

AB 624 strengthens the existing mechanism for review of a juvenile court’s order transferring a youth from juvenile to adult court

### Background

The California Supreme Court has called a juvenile court judge’s decision to transfer a minor from juvenile court to adult court “the worst punishment the juvenile system is empowered to inflict.”<sup>1</sup> Youth that are transferred to adult criminal court may face up to life in prison and life-changing collateral consequences of a conviction. Because of the enormous consequences of the transfer decision, California law provides that a minor’s case may not be transferred for prosecution to adult court unless the prosecution proves, at an evidentiary hearing before a juvenile court judge, that the child is not amenable to rehabilitation in the juvenile court system.<sup>2</sup>

Although the number of youth transferred to adult court each year is quite small, these youth are overwhelmingly people of color. Only 77 children were transferred to adult court statewide in 2018.<sup>3</sup> Data from 2010-2016 shows that youth of color were “significantly more likely than White youth to be prosecuted in adult court.”<sup>4</sup> In 2016 – as a result of both direct file and fitness hearings – Black youth were 8.5 times more likely than white youth to be tried as adults, and Latino youth were almost 3 times more likely.

### Problem

California law provides no right to appeal a judge’s decision to transfer a youth to adult court for prosecution; these decisions are only reviewed by writ. Such writs are discretionary, which means the Court of Appeal does not need to consider such writs on their merits. Most petitions seeking review of transfer decisions are denied summarily, without full review. Additionally, it is out-of-step with practice in other states, many of which provide for a right to appeal a decision to transfer a youth to adult court.

### What this bill does

AB 624 authorizes the appellate courts to review on appeal a decision to transfer a youth to adult court under the following circumstances:

1. If the youth’s lawyer timely files a writ seeking review of a transfer decision; and
2. The writ is summarily denied by the Court of Appeal, without a decision on the merits.

The bill will encourage the California Court of Appeal to provide timely review on the merits of the youth’s writ petition.

### Contact

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<sup>1</sup> *Ramona R. v. Superior Court* (1985) 37 Cal.3d 802, 810.

<sup>2</sup> Welf. & Inst. Code, § 707.

<sup>3</sup> California Department of Justice, *Juvenile Justice in California* (2018), at p. 86, Table 27.

<sup>4</sup> Ridolfi, Washburn & Guzman, *Youth Prosecuted as Adults in California: Addressing Racial, Ethnic, and Geographic Disparities After the Repeal of Direct File* (Nov. 2017), p. 7.