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FOR IMMEDIATE RELEASE

Approved by

Re: Senate Bill 1391 Ruled Unconstitutional by Kern County Court

On January 16, 2018, in case BF 163440A, a Kern County Court ruled that Senate Bill 1391, by eliminating the ability of the juvenile court to transfer 14-15 year old offenders who commit certain serious/violent crimes to adult court, unlawfully attempts to repeal Proposition 57's specific provisions that provide for exactly that process. As a result of the conflict, the court ruled that SB 1391 was an unconstitutional legislative interference with the People's power to create laws through the initiative process.

Kern County District Attorney Cynthia Zimmer responded to the ruling, stating that "This is an important step in our effort to fight back against Sacramento's overreaching policies that put lives in danger. We will continue to fight to ensure that any who commit serious and violent crimes receive appropriate sentences."

The ruling means that the case will remain in adult court and not be transferred back to the juvenile court. The ruling is not a reflection upon the guilt or innocence of the defendant -- a trial is still pending on the case, and the defendant is presumed innocent of all charges unless and until proven guilty beyond a reasonable doubt.

Background of SB 1391:

On September 30, 2018, Governor Brown signed Senate Bill 1391, a bill that eliminated the ability of juvenile courts to allow 14-15 year old offenders be transferred to adult court for prosecution for the most serious crimes. The bill was slated to take effect on January 1, 2019. In addition, the bill had retroactive application, permitting 14-15 year old juvenile offenders whom had already been transferred to adult court to be returned to juvenile court.

The distinction is significant because a juvenile court's jurisdiction ends, at the latest, upon the

26th birthday of the offender. SB 1391, then, places a maximum term on a 15-year old offender: 11 years. Under SB 1391, no matter what the crime (or crimes), a 14 or 15 year old offender would be released no later than his/her 26th birthday. The very cases that justify transfer to adult court are the most serious crimes that 14-15 year olds can commit, including murder. If SB 1391 is permitted to take effect, a 15-year old convicted of the most heinous acts imaginable would be released on his/her 26th birthday, regardless of how serious the crimes and regardless of how many victims are impacted. Proposition 57, passed by initiative in 2016, by contrast, explicitly allows the juvenile court to transfer 14-15 year olds to adult court when the crime and background of the juvenile warrant the transfer. Because SB 1391, a statute passed by the legislature, is in direct conflict with Prop-57, a voter-approved initiative, SB 1391 was deemed unconstitutional.

Legal battles over the validity of SB 1391 are occurring in courtrooms throughout the state after the law became effective at the beginning of the year. The Kern County Superior Court is among the first confronted with the direct question of the law's constitutionality since its effective date. Though the ruling of the Superior Court is not binding on other judges and cases, it validates what District Attorney Cynthia Zimmer has been arguing about legislative overreach from Sacramento, and provides a path forward for District Attorneys throughout the state to provide justice to victims of violent crimes.