

MOTION BY SUPERVISOR JANICE HAHN

AGN. NO.
March 3, 2026

Supporting Assembly Bill 1647 (Bryan): Increasing the Burden of Proof for Juvenile Transfer Hearings

Research consistently shows that transferring youth from juvenile court to adult criminal court leads to worse outcomes for youth and for public safety.¹ Youth who go through the adult criminal legal system are more likely to be rearrested for a crime, especially a violent crime, than their peers who complete their sentences in juvenile court. They are more likely to have longer periods of time where they commit more crimes than their peers. Youth who go through the adult system are also more likely to be denied housing, employment, and educational opportunities once released because having an adult criminal record creates more barriers during reentry than a juvenile record does. Youth who go through the adult system also frequently face disruptions in their personal development and have challenges in relationships, skills building, effective learning, and transitioning into adulthood.

Various pieces of legislation have changed the way juvenile justice is approached in California, in large part informed by extensive research on both the negative outcomes of incarcerating youth, and on the impact of youth development on criminal behavior. Studies have highlighted the ways in which adolescent brain development impacts young

¹ https://www.chhs.ca.gov/wp-content/uploads/2023/05/2023_03_21_Transfer-TA-Research-Summary-ADA-Accessible.pdf

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people's ability to control their impulses and regulate their emotions. Over time, California law has become more attuned to this reality by recognizing that youth are more at risk of succumbing to peer pressure, lacking cognitive control, and being unable to think through the long-term consequences of their behaviors. California law also operates under the assumption that youth who are charged with committing a crime are more likely to be successfully rehabilitated in the juvenile system with the proper supports and developmentally appropriate services, than they are to find success after incarceration in adult jails and prisons. Therefore, the process of transferring youth from juvenile court to adult court is meant to be reserved for only the most extreme cases where there is no reasonable possibility that a youth can be rehabilitated within the juvenile system.

After the passage of Proposition 57 in 2016, significant changes were made to the adult and juvenile criminal justice systems in California. Among those changes was the requirement that judges, rather than prosecuting attorneys, would determine whether juveniles who are charged with certain crimes should be tried in juvenile court or adult court. With this change, the prosecuting officer can make a motion to transfer a young person from juvenile court to adult criminal court if they were 16 or older when the alleged felony was committed, or if they were 14 or 15 but not apprehended before the end of juvenile court jurisdiction. Once a transfer motion has been filed, the judge is responsible for determining whether the youth is amenable to rehabilitation while under the jurisdiction of the juvenile court using "clear and convincing evidence" as the burden of proof. In other words, a prosecuting attorney has to prove to the judge, by clear and convincing evidence, that the juvenile is not able to be rehabilitated in the juvenile justice system, and must be transferred to the adult system.

A group of youth at Los Padrinos Juvenile Hall, most of whom are facing potential

transfer to the adult system themselves, have been developing legislation to raise the burden of proof from “clear and convincing evidence” to “beyond a reasonable doubt,” and after meeting with these youth, Assemblymember Bryan has introduced a bill that would do just that. Assembly Bill 1647 (Bryan)² would strengthen fairness, uplift scientific findings, and enhance public safety by ensuring that only when the court believes a young person is incapable of being rehabilitated in the juvenile system can they be transferred to the adult system. If passed, the bill would require that the court find, beyond a reasonable doubt, that a youth is not amenable to rehabilitation in the juvenile system before transferring their case to an adult court of criminal jurisdiction. This legislation aligns with Los Angeles County’s commitment to Care First Jails Last, and the Board of Supervisors should throw their full support behind this important bill.

I, THEREFORE, MOVE that the Board of Supervisors direct the Chief Executive Office’s Legislative Affairs and Intergovernmental Relations branch to advocate in support of Assembly Bill 1647 (Bryan).

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² https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260AB1647