

Superior Court of California

County of Santa Clara

FILED

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David H. Yamamoto, Clerk of the Superior Court
County of Santa Clara, California

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In March 1994, the Legislature enacted its version of the Three Strikes Law by amending Penal Code section 667. Section 667, subdivision (d)(3) lists the requirements for a prior juvenile adjudication to qualify as a strike.

The Legislature clearly intended for juvenile strike priors to be used to provide longer sentences. Proposition 21, which became operative March 2000, amended Welfare and Institutions Code sections 781 and 826 to prohibit the sealing or destruction of juvenile records concerning Welfare and Institutions Code section 707, subdivision (b) adjudications. As there is no qualifying or conditional language in those statutes, existing juvenile court records must not be sealed or destroyed in any case where the person was found to have committed a section 707, subdivision (b) offense, when he or she was 14 years of age or older.

This prohibition was clearly intended to assure that prosecuting attorneys have ready access to juvenile adjudications that could be used as strikes in adult criminal court.

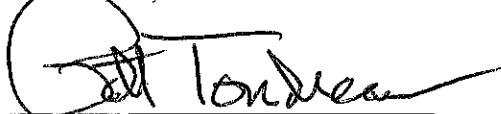
The history of petitions for disclosure of juvenile records filed with this Court under Welfare and Institutions Code section 827 discloses that requests to use a juvenile wardship petition charging a strike offense and minute orders showing that the petition has been sustained, for the purpose of proving a juvenile strike prior, are never denied. The filing and processing of each petition for disclosure is time consuming and an undue encumbrance on the resources of the Court.

Based upon these findings the Court makes the following Order:

A prosecuting attorney may, without separately filing a petition for disclosure under section 827, obtain and use a juvenile wardship petition charging an offense that qualifies as a strike prior and minute orders showing that the petition was sustained for the limited purpose of proving a prior strike allegation in adult criminal court. The right to disseminate these records is strictly limited to this purpose, and the prosecuting attorney shall redact from the juvenile records the name(s) of any juvenile co-participants and references to offenses other than the prior strike offense.

IT IS SO ORDERED.

October 21st, 2013



The Honorable Patrick Tondreau
Presiding Judge of the Juvenile Court