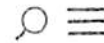


(916) 443-2017



Voir Dire in Domestic Violence Homicide Cases

Broadcast Date: May 7, 2014

Instructor: Charles Cacciatore, Deputy District Attorney, Marin County

Description: This webinar covers information and tips vital to the prosecutor handling domestic violence homicide cases.

For printed materials, click here (PDF)

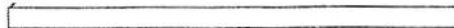
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Voir Dire in Domestic Violence Homicide Cases 05-07-2014

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Voir Dire in Domestic Violence Homicide Cases 05-07-2014 from CDAA on Vimeo.

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- Internet Explorer (older): Flash
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WINDOWS PHONE (7.5+)

- Internet Explorer (9+): HTML5

ANDROID (4+)

- Default browser (any version): HTML5
- Chrome (any version): HTML5
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KEYWORDS: domestic, violence, voir dire, homicide

CATEGORY: *Domestic Violence, Homicide*

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as tardy without a valid excuse, must be brought to the attention of the juvenile court and the student's probation or parole officer, within 10 days of the violation.

This bill amends W&I 601 to delete the refusal to obey school authorities as a basis for juvenile court jurisdiction, but continues to provide that these circumstances *are* within the jurisdiction of the juvenile court:

1. Four or more trancies within one school year; or
2. A school attendance review board or probation officer determines that available public and private services are not sufficient or not appropriate to correct the habitual truancy of the minor; or
3. The minor fails to respond to directives of a school attendance review board or probation officer or to services provided.

W&I 601 is also amended to remove the authority of a school administrator to issue a notice to appear to a minor who is within the jurisdiction of the juvenile court pursuant to W&I 601.

Uncodified Section One of this bill sets forth a number of declarations by the Legislature, including these:

1. It is the intent of the Legislature that cities and counties work closely with youth, parents, local educational agencies, community partners, and system officials "to serve and protect youth only as needed, avoiding any contact with the juvenile justice system."
2. It is the intent of the Legislature that truancy and other status offenses "be diverted from citation, arrest, and court."
3. "Youth of color are disproportionately referred to probation."

[This bill also amends W&I 236, 601, 601.3, 653.5, and 654, and adds new W&I 651.5. See below.]

P.C. 745
(New)
(Ch. 317) (AB 2542)
(Section 3.5)
(Effective 1/1/2021)

The California Racial Justice Act of 2020.

Prohibits the state from seeking or obtaining a criminal conviction, or seeking, obtaining, or imposing a sentence, on the basis of race, ethnicity, or national origin.

continued

Provides that a defendant may establish a violation by a preponderance of the evidence, in one of several ways:

- 1. A judge, attorney, witness, or juror exhibited bias or animus towards the defendant because of the defendant's race, ethnicity, or national origin.**
- 2. During the trial, a judge, attorney, witness, or juror used racially discriminatory language about the defendant's race, ethnicity, or national origin, or otherwise exhibited bias or animus towards the defendant because of race, ethnicity, or national origin, whether or not purposeful.**
- 3. The defendant was charged with or convicted of a more serious offense than defendants of other races, ethnicities, or national origins who commit similar offenses and are similarly situated, and the evidence establishes that the prosecution more frequently sought or obtained convictions for more serious offenses against people who share the defendant's race, ethnicity, or national origin in the county where the convictions were sought or obtained.**
- 4. (A) A longer or more severe sentence was imposed on the defendant than was imposed on other similarly situated individuals convicted of the same offense, and longer or more severe sentences were more frequently imposed for that offense on people that share the defendant's race, ethnicity, or national origin than on defendants of other races, ethnicities, or national origins in the county where the sentence was imposed.**

(B) A longer or more severe sentence was imposed on the defendant than was imposed on other similarly situated individuals convicted of the same offense, and longer or more severe sentences were more frequently imposed for the same offense on defendants in cases with victims of one race, ethnicity, or national origin than in cases with victims of other races, ethnicities, or national origins, in the county where the sentence was imposed.

Subdivision (f) provides that P.C. 745 applies to adjudications and dispositions in juvenile court, as well as to cases in criminal courts.

continued

Subdivision (j) provides that P.C. 745 “applies only prospectively in cases in which judgment has not been entered prior to January 1, 2021.” Stated another way, P.C. 745 is *not* retroactive and applies only to cases in which judgment is entered on and after January 1, 2021.

See the Penal Code section of this digest for more information.

P.C. 13015
(New)
(Ch. 337) (SB 823)
(Effective 9/30/2020)

Requires DOJ, by January 1, 2023, to submit a plan for the replacement of the Juvenile Court and Probation Statistical System (JCPSS) with a modern database and reporting system, in order to improve and modernize juvenile justice data collection and reporting. Requires DOJ to convene a working group of key stakeholders and experts, including those with expertise in juvenile justice data. Sets forth numerous items the plan must address.

W&I 207.1
W&I 207.2
(Amended)
W&I 207.6
(Repealed)
(Ch. 337) (SB 823)
(Effective 9/30/2020)

Amends W&I 207.1 to eliminate provisions (all of subdivision (b)) that had permitted a minor charged with a W&I 707(b) offense and whose case was transferred to a court of criminal jurisdiction (adult court), to be housed in an adult jail or lockup if specified conditions were met, including a finding that detention in a juvenile hall would endanger public safety or be detrimental to other minors in juvenile hall, and a requirement that contact between the minor and adult inmates be restricted. This kind of housing was permitted long-term, such as while a minor was pending trial. Subdivision (b) is eliminated in its entirety.

Retains detailed provisions permitting a minor who is arrested to be held *temporarily* in a law enforcement facility that contains a lockup for adults, if a number of conditions are met, including that the minor is held for no more than six hours and that the holding of the minor is for the purpose of investigating the case, facilitating the release of the minor to a parent or guardian, or arranging transfer of the minor to a juvenile facility.

Amends W&I 207.2 to update a cross-reference to a particular subdivision in W&I 207.1.

Completely repeals W&I 207.6, which had cross-referenced W&I 207.1(b) and had required the court to make particular findings on the record in order for a minor to be held long-term in an adult jail.