

GENERAL OFFICE MEMORANDUM 19-052

TO: ALL DISTRICT ATTORNEY PERSONNEL

FROM:  JOSEPH P. ESPOSITO  
Chief Deputy District Attorney

SUBJECT: SENATE BILL 1391 - CASE UPHOLDS PREVENTION OF  
TRANSFERS OF 14- AND 15-YEAR-OLD OFFENDERS TO  
ADULT COURT

DATE: MAY 6, 2019

This General Office Memorandum (GOM) updates GOM 18-176 regarding the constitutionality of Senate Bill (SB) 1391. SB 1391 prevents 14- and 15-year-old offenders from being transferred to adult court. Currently the Office is litigating several writ petitions in the Court of Appeal, contending that SB 1391 was an unconstitutional amendment to Prop. 57.

The first published opinion on the constitutionality of SB 1391 was issued in a case from Solano County on April 30, 2019. The First District Court of Appeal ruled against the District Attorney and upheld SB 1391 in *People v. Superior Court (Alexander C.)*, appellate court case number A156194. The opinion may be found here:

<https://www.courts.ca.gov/opinions/documents/A156194.PDF>

This case is now precedent that must be followed by the superior court unless and until a contrary opinion is published. However, deputies should continue to argue to the superior court the unconstitutionality of SB 1391 in seeking either to have a 14- or 15-year-old offender remain in adult court or to retain the ability to transfer that minor from juvenile court to adult court in appropriate cases as set forth in GOM 18-176. Making such argument will preserve the ability to seek further appellate review.

The Office will continue to litigate the cases that are currently pending in the Court of Appeal, and consider new litigation in the appropriate cases.

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