

# JUVENILE TRANSFERS

TRYING YOUTHS AS ADULTS



Prior to 1961

Juvenile courts maintained jurisdiction  
very few youths were tried as adults

2005-2012

- Roper vs. Simmons
- Graham v. Florida
- Miller v. Alabama

1971

WIC 707(b) introduced a list of  
juvenile offenses eligible for prosecution  
in adult court

2016-2019

- Prop 57: Ended direct file in California
- Juvenile Court Determines Transfer
- SB 1391: Made it illegal to try youths  
under the age of 16 in adult court.

**Proposition 21**

1999

- Expanded 707(b) offenses
- Allowed DA to direct file in adult  
court
- Minimum age for transfer: 14

2020-2023

- SB 823
- Clear and Convincing Standard
- SB 545 -SAFE Children Act



# **WHERE WE ARE NOW**

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**12 Youths Transferred to Adult Court in 2023**



**SAN FRANCISCO**

## **JUVENILE TRANSFER MOTIONS FILED**

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**2017–2023: NONE**



**September 2024–June 2025: 5**



**Currently Pending: 1**

# TRANSFER PROCESS

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- DA Requests transfer to adult court
- Juvenile Court orders Probation Department to prepare formal report, including family and social history and transfer recommendation
- Transfer Hearing scheduled
- Transfer Hearing conducted (typically over 1-2 weeks)
- Juvenile Court grants or denies the District Attorney's transfer motion

# ADVERSE EFFECTS

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- Extremely traumatic for the youth and their families
- Significantly delays the adjudication of the case
- Places a significant burden on the court and stakeholders
- Extremely costly
- SYTF youth do not receive credit for time served prior to sentencing.

# Juvenile Transfer Criteria

1.

Degree of criminal sophistication used in committing the offense.

2.

Whether the minor can be rehabilitated prior to the expiration of juvenile court jurisdiction

3.

Previous delinquent history

4.

Previous attempts to rehabilitate the minor

5.

Circumstances and gravity of the offense