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MERCED COUNTY

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CLERK OF THE SUPERIOR COURT

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6 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
7 **IN AND FOR THE COUNTY OF MERCED, JUVENILE DELINQUENCY DIVISION**

8 **JUVENILE DELINQUENCY ORDER**

9 **#2020-04**

10 Due to the health and safety concerns caused by the COVID-19 epidemic, Governor Gavin
11 Newsom's Declaration of a State of Emergency, and the March 20, 2020 Order of the Honorable
12 Donald Proietti, Presiding Judge of the Merced County Superior Court, regarding the COVID-19
13 Pandemic, it has been determined that the conditions described in section 68115 of the Government
14 Code are met with regard to the Superior Court of California, County of Merced. All levels of
15 government are taking action to protect our population and the public at large.

16 Additionally, on March 20, 2020 there was a Second Advisory by the Chief Justice on
17 Emergency Relief Measures, which instructed courts, in part to: "With the assistance of justice
18 partners, identify those persons currently in county jail or juvenile hall custody who have less than
19 60 days remaining on their jail sentence for the purpose of modifying their sentences to permit
20 early release of such persons with or without supervision or to community-based organizations for
21 treatment."

22 There is now broad recognition that those in custodial settings are at great risk and must be
23 protected, including the many youth people held in juvenile halls.

24 To protect young people in the juvenile delinquency system and those that work in the
25 juvenile delinquency system, the Superior Court of Merced County Delinquency Division has
26 prepared a plan to respond to the ever unfolding and changing conditions. The plan, as reflected
27 in this order, was discussed and unanimously agreed upon by the justice partners.

28 This order is effective upon the date signed and will remain in effect until 90 days after the
Governor declares that the state of emergency related to the COVID -19 pandemic is lifted, or until

1 amended or repealed by the issuing judicial officer or the Presiding Judge of Merced Superior
2 Court. During the duration of this order, the following shall apply:

- 3 1. Except for minors arrested for an offense listed in Welfare and Institutions Code
4 section 707(b), a felony sex offense, a felony domestic violence offense, an offense
5 involving the personal use or possession of a firearm, a felony assault with a gang
6 enhancement, or a minor with a placement order that has been issued by the
7 Juvenile Delinquency Division, arrested minors shall be cited and released by
8 Probation. Probation has the discretion to select a citation date that is not sooner
9 than April 17, 2020.
- 10 2. Except for minors who are serving commitments for Welfare and Institutions Code
11 section 707(b) offenses, felony sex offenses, felony domestic violence, personal
12 use or possession of a firearm, and felony assault with a gang enhancement, all
13 minors with a tentative release date within sixty days of April 6, 2020, shall be
14 released forthwith to a parent or guardian on previously ordered Probation terms;
15 the balance of the custodial commitment is commuted. As to these released youth,
16 any commitment to the juvenile global positioning system is vacated. The judges
17 jointly make this order, with the following additional provision: If any such youth
18 are subject to Placement Orders, Probation is to release such youth as soon as
19 suitable placement can be arranged, or to a parent or guardian, if appropriate. As
20 to any placement youth not released, Probation is directed to ex parte on a pre-
21 placement review with such hearing to take place within ten judicial days of the
22 reopening of the court.

23 **IT IS SO ORDERED.**

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25 Dated: 3/07/2020

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27 Hon. Mark Bacciarini, Juvenile Delinquency
28 Division