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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT  
DIVISION FIVE

**In re K.C., a Person Coming Under the  
Juvenile Court Law.**

**THE PEOPLE,**

**A140947**

**Plaintiff and Respondent,**

**(Solano County  
Super. Ct. No. J42039)**

**v.**

**K.C.,**

**Defendant and Appellant.**

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The juvenile court found K.C. (the minor) possessed a firearm (Pen. Code, § 29610) and concealed that firearm (Pen. Code, § 25400, subd. (a)(2)). The court adjudged the minor a ward of the court (Welf. & Inst. Code, § 602)<sup>1</sup> and placed him on home probation, with various conditions.

On appeal, the minor challenges three of the probation conditions and the Attorney General agrees those conditions should be modified. We modify the challenged conditions of probation. In all other respects, we affirm the dispositional order.

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<sup>1</sup> Unless noted, all further statutory references are to the Welfare and Institutions Code.

## FACTUAL AND PROCEDURAL BACKGROUND

In May 2013, two Vallejo police officers found the 15-year-old minor and three other teenagers standing near open bottles of whiskey and vodka. A hammer and broken security devices were on the ground next to the bottles. One police officer searched the minor and found an unloaded .38 caliber handgun. After being *Mirandized*, the minor admitted stealing the alcohol and claimed one of his companions removed the bottles' security devices with a hammer. The minor also admitted buying the gun for \$50 a few days earlier.

The section 602 petition alleged the minor possessed a firearm (Pen. Code, § 29610) and concealed that firearm (Pen. Code, § 25400, subd. (a)(2)), and received stolen property (Pen. Code, § 496, subd. (a)). At the conclusion of the contested jurisdictional hearing, the court found beyond a reasonable doubt the minor possessed a firearm (Pen. Code, § 29610) and concealed that firearm (Pen. Code, § 25400, subd. (a)(2)). At the dispositional hearing, the court adjudged the minor a ward of the court and set the maximum term of confinement at three years. The court placed the minor on home probation and checked various boxes on a preprinted probation conditions form, including the conditions the minor: (1) “[a]ttend school regularly and maintain acceptable grades, behavior and attendance” (Condition 1); (2) “[a]bstain from the use of alcohol/drugs (including marijuana)” (Condition 11); and (3) “[n]ot possess any weapons [or] ammunition” (Condition 12).

## DISCUSSION

The minor claims the three probation conditions set forth above are unconstitutionally vague or overbroad. Under section 730, subdivision (b), a juvenile court may impose “any and all reasonable [probation] conditions that it may determine fitting and proper to the end that justice may be done and the reformation and rehabilitation of the ward enhanced.” Juvenile courts have “wide latitude” under section 730 “to impose conditions of probation beyond adult-type restrictions for purposes of reformation and rehabilitation of the juvenile.” (*In re Angel J.* (1992) 9 Cal.App.4th 1096, 1100, fn. omitted (*Angel J.*))

“Of course, the juvenile court’s discretion is not boundless. Under the void for vagueness doctrine, based on the due process concept of fair warning, an order ““must be sufficiently precise for the probationer to know what is required of him, and for the court to determine whether the condition has been violated.”” [Citation.] The doctrine invalidates a condition of probation ““so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application.”” [Citation.] [¶] “In addition, the overbreadth doctrine requires that conditions of probation that impinge on constitutional rights must be tailored carefully and reasonably related to the compelling state interest in reformation and rehabilitation. [Citations.]” (*In re Victor L.* (2010) 182 Cal.App.4th 902, 910 (*Victor L.*)) We review the constitutionality of the probation conditions de novo, even in the absence of an objection in the juvenile court. (*People v. Pirali* (2013) 217 Cal.App.4th 1341, 1345.)

## I.

### *Condition 1 Must be Modified*

The minor contends — and the People agree — the portion of Condition 1 requiring him to “[a]ttend school regularly and maintain acceptable grades and attendance” is unconstitutionally vague. The parties urge us to modify Condition 1 to require the minor to “[a]ttend school regularly, maintain passing grades in the grading system utilized by the [m]inor’s school, and obey school rules.” We accept the parties’ suggestion and modify Condition 1 accordingly. (*In re Sheena K.* (2007) 40 Cal.4th 875, 892 [appellate court may modify probation conditions]; *Angel J., supra*, 9 Cal.App.4th at p. 1102, fn. omitted [modifying similar probation condition to require the minor to maintain “passing grades in each graded subject”].)

## II.

### *Condition 11 Must Be Modified*

The minor claims Condition 11 — which requires him to “[a]bstain from the use of alcohol or drugs, including marijuana” — is invalid because it lacks a knowledge requirement and because the term “drugs” is overbroad. The parties agree Condition 11 should be modified to read: “The minor shall not knowingly use or possess any alcohol,

marijuana, synthetic cannabinoids, or other illegal drugs during the period of wardship.” We accept the parties’ agreement and modify Condition 11 accordingly. (See *People v. Rodriguez* (2013) 222 Cal.App.4th 578, 593-594 [adding a knowledge requirement to probation condition prohibiting use of alcohol, intoxicants, narcotics, or controlled substances].)

### III.

#### *Condition 12 Must Be Modified*

The minor’s final challenge is to Condition 12, which requires him to “[n]ot possess any weapons [or] ammunition.” The minor contends — and again the People agree — Condition 12 is unconstitutionally vague because it lacks a knowledge requirement and that the word “weapon” is imprecise and overbroad. We modify Condition 12 to read: “The minor shall not knowingly possess dangerous or deadly weapons, or ammunition.” (See *People v. Freitas* (2009) 179 Cal.App.4th 747, 752; *Victor L., supra*, 184 Cal.App.4th at pp. 912-913 [modifying probation condition prohibiting the minor’s presence near weapons or ammunition to make knowledge requirement explicit]; *In re R.P.* (2009) 176 Cal.App.4th 562, 564 [probation condition prohibiting the minor from possessing “dangerous or deadly” weapons was not unconstitutionally vague].)

### DISPOSITION

The dispositional order is modified as follows:

The portion of Condition 1 concerning the minor’s school attendance and performance at school is modified to read: “The minor shall . . . [a]ttend school regularly, maintain passing grades in the grading system utilized by the minor’s school, and obey school rules. . . .”

The portion of Condition 11 addressing alcohol and drug use is modified to read: “The minor shall not knowingly use or possess any alcohol, marijuana, synthetic cannabinoids, or other illegal drugs during the period of wardship. . . .”

Condition 12 is modified to read: “The minor shall not knowingly possess dangerous or deadly weapons, or ammunition.”

As modified, the dispositional order is affirmed.

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Jones, P.J.

We concur:

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Simons, J.

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Bruiniers, J.