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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
(Sacramento)

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

C079453

THE PEOPLE,

(Super. Ct. No. JV135663)

Plaintiff and Respondent,

v.

C.B.,

Defendant and Appellant.

Minor C.B. appeals following the denial of his request to seal records outside the custody of the juvenile court under Welfare and Institutions Code section 786.¹ He contends the juvenile court erred by failing to grant his request to seal records in the

¹ Further undesignated statutory references are to the Welfare and Institutions Code.

possession of the Department of Justice, the defense counsel's office, the district attorney's office, the probation department, and the police department. We conclude that the juvenile court did not err, and therefore affirm.

DISCUSSION

We dispense with a recitation of the facts because they are unnecessary to the resolution of this appeal. It suffices to say that an amended section 602 petition alleged that the minor committed two felony acts of vandalism within the meaning of Penal Code section 594, subdivision (b)(1). Following his admission to one misdemeanor count of vandalism, he was placed on probation under section 725.

On June 8, 2015, after the minor had satisfactorily completed his term of probation, the juvenile court granted his motion to dismiss the amended petition. Pursuant to section 786, the juvenile court also granted the minor's request to seal all records pertaining to the dismissed petition in the custody of the court, but denied his request to seal records in the possession of the Department of Justice, the defense counsel's office, the district attorney's office, the probation department, and the police department. On appeal, the minor contends the juvenile court erred by limiting its sealing order to records in the custody of the court. According to the minor, the juvenile court improperly interpreted the scope of the sealing requirement under section 786. We disagree.

At the time the amended petition was dismissed, section 786 provided, in relevant part: "If the minor satisfactorily completes . . . probation under Section 725, . . . the court shall order the petition dismissed, and the arrest . . . shall be deemed not to have occurred. The court shall order sealed all records pertaining to that dismissed petition in the custody of the juvenile court" (§ 786.)

"In construing a statute, our role is to ascertain the Legislature's intent so as to effectuate the purpose of the law. [Citation.] In determining intent, we must look first to the words of the statute because they are the most reliable indicator of legislative intent.

[Citation.] If the statutory language is clear and unambiguous, the plain meaning of the statute governs. [Citation.]” (*People v. Lopez* (2003) 31 Cal.4th 1051, 1056.) In other words, if there is “no ambiguity or uncertainty in the language, the Legislature is presumed to have meant what it said,” and it is not necessary to “resort to legislative history to determine the statute’s true meaning.” (*People v. Cochran* (2002) 28 Cal.4th 396, 400-401.)

We find no error. While the recently amended version of section 786 supports the minor’s position,² it was not in effect at the time the juvenile court issued its sealing order. When the sealing order was issued, the unambiguous language of section 786 only required the court to seal records in the custody of the court. The minor has not cited, and we are unaware of, any controlling or persuasive authority supporting the conclusion that section 786 required the juvenile court to seal records outside its custody at the time the order was made. We are not persuaded by the minor’s contention that the statute should be interpreted to require a juvenile court to seal all case-related records, regardless of which agency maintains them. Doing so would require us to include language omitted from the statute in violation of “the cardinal rule that courts may not add provisions to a statute or rewrite it to conform to an assumed intent that does not appear from its plain language.” (*People v. Connor* (2004) 115 Cal.App.4th 669, 692.) If the Legislature had intended the interpretation urged by the minor, it knew how to do so, as evidenced by the amended version of section 786. We presume the Legislature meant exactly what it said in the previous version and need not look to the legislative history as the minor does to support his argument. This is not an extreme case in which it is appropriate to disregard

² Effective January 1, 2016, section 786 provides, in relevant part: “If a minor satisfactorily completes . . . probation under Section 725, . . . the court shall order the petition dismissed. The court shall order sealed all records pertaining to that dismissed petition in the custody of the juvenile court, and in the custody of law enforcement agencies, the probation department, or the Department of Justice.” (§ 786, subd. (a).)

unambiguous statutory language. (*Gorham Co., Inc. v. First Financial Ins. Co.* (2006) 139 Cal.App.4th 1532, 1544 [courts should disregard unambiguous language “only in ‘extreme cases’-- those in which, as a matter of law, the Legislature did not intend the statute to have its literal effect”].)

The minor requests remand and, although the People argue that the records to be sealed were correctly limited to the records in the juvenile court’s custody, the People also suggest we remand for further proceedings given the subsequent amendment.

We reject the parties’ unsupported assertion that remand is appropriate. “A new or amended statute applies prospectively only, unless the Legislature clearly expresses an intent that it operate retroactively.” (*People v. Ledesma* (2006) 39 Cal.4th 641, 664.) There is no expression of any intent that the amended version of section 786 operate retroactively. Accordingly, we find no basis to remand the valid sealing order.

We note, however, that the minor is not without a remedy. He may petition to expand the scope of the sealing order upon turning 18. (See § 781, subd. (a)(1)(A); Cal. Rules of Court, rule 5.830.)

DISPOSITION

The orders of the juvenile court are affirmed.

/s/
Duarte, J.

We concur:

/s/
Murray, Acting P. J.

/s/
Renner, J.