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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SIXTH APPELLATE DISTRICT

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

H039480
(Santa Clara County
Super. Ct. No. JV39788)

THE PEOPLE,

Plaintiff and Respondent,

v.

C.P.,

Defendant and Appellant.

The juvenile court found C.P. (minor) to be a person described by Welfare and Institutions Code section 602 (wardship for violation of law) in that he committed battery on a cohabitant. It placed minor on probation with conditions. On appeal, minor contends that two conditions are unconstitutionally vague. The People concede that the two conditions should be modified, and we agree that the concession is appropriate. We therefore modify the conditions and affirm the order for probation.

BACKGROUND

The order for probation states condition No. “3. That said minor not be on or adjacent to any school campus unless enrolled or with prior administrative approval,” and condition No. “12. That said minor shall not come within 300 yards of the protected person.”

DISCUSSION

Minor contends that condition No. 3 is unconstitutionally vague because the term “adjacent to” does not give adequate notice as to the distance “adjacent to” covers. In *People v. Barajas* (2011) 198 Cal.App.4th 748, we modified a similar condition on the People’s recommendation to specify a stay-away distance of 50 feet. Here, minor recommends a greater stay-away distance of one block. We will so modify the condition.

Minor contends that condition Nos. 3 and 12 are unconstitutionally vague because there is no “knowledge” element. The obvious jurisprudential trend is toward requiring that a term or condition of probation explicitly require knowledge on the part of the probationer that he or she is in violation of the term in order for it to withstand a challenge for unconstitutional vagueness. “[P]robation conditions that implicate constitutional rights must be narrowly drawn” and the knowledge requirement in these circumstances “should not be left to implication.” (*People v. Garcia* (1993) 19 Cal.App.4th 97, 102.) We will so modify the conditions.

DISPOSITION

Probation condition No. 3 is modified as follows: “That said minor not knowingly be on or within one block of any school campus unless enrolled or with prior administrative approval.” Probation condition No. 12 is modified as follows: “That said minor shall not knowingly come within 300 yards of the protected person.” As so modified, the order for probation is affirmed.

Premo, J.

WE CONCUR:

Rushing, P.J.

Márquez, J.