

Admin.

February 12, 2021

## Memorandum 2021-03

**Draft Minutes of January Meeting**

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The Committee on Revision of the Penal Code held a meeting on January 13, 2021. This memorandum provides draft Minutes for that meeting.

The draft will be deemed final after it is approved by a vote of the Committee. When voting, the Committee may make specific changes to the Minutes. If so, those changes will be memorialized in the Minutes for the meeting at which the vote occurred.

Respectfully submitted,

Rick Owen  
Staff Attorney



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**DRAFT MINUTES OF MEETING**  
**COMMITTEE ON REVISION OF THE PENAL CODE**  
**JANUARY 13, 2021**

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1       A meeting of the Committee on Revision of the Penal Code was held on  
2 January 13, 2021. Consistent with Executive Orders N-25-20 and N-29-20, the  
3 meeting was held as an online video webinar.

4       **Commission:**

5           *Present:*           Michael Romano, Chairperson  
6                                Assembly Member Sydney Kamlager  
7                                Senator Nancy Skinner  
8                                Hon. Peter Espinoza, Ret.  
9                                Hon. Carlos Moreno, Ret.  
10                              L. Song Richardson

11          *Absent:*            Hon. John Burton  
12

13       **Staff:**

14           *Present:*           Brian Hebert, Executive Director  
15                                Barbara Gaal, Chief Deputy Director  
16                                Thomas Nosewicz, Legal Director  
17                                Rick Owen, Staff Counsel  
18                                Lara Hoffman, Stanford Fellow  
19

20       **Invited Presenters:**

21       None.

22       **Other Persons:**

23       Up to 112 members of the public observed the meeting as attendees. The  
24 Committee did not prepare a list of those attendees.

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25	Approval of Actions Taken.....1
26	Ongoing Business.....2

27                                APPROVAL OF ACTIONS TAKEN

28       Unless otherwise indicated, the Committee decisions noted in these Minutes  
29 were approved by all members present at the meeting. If a member who was

1 present at the meeting voted against a particular decision, abstained from voting,  
2 or was not present when the decision was made, that fact will be noted below.

3 ONGOING BUSINESS

4 The Committee considered Memorandum 2021-01, a draft of the 2020 Annual  
5 Report. The Committee also heard public comment on the draft report. The  
6 Committee made the decisions reported below:

7  
8 **Draft Report**

9 The Committee voted to allow Chairperson Romano to make non-substantive  
10 changes to the draft, including, adding data charts, proof-reading and design. The  
11 Committee voted to adopt the draft report with the following changes:

- 12
- 13 • In the Introduction section, note that the Committee heard public  
14 comment at every meeting.
  - 15 • In the mandatory minimum sentence section, revise, “Allow probation  
16 for all nonviolent offenses” to read, “Allow probation or other  
17 alternatives to incarceration for all nonviolent offenses.”
  - 18 • In the sentence enhancements section, add additional data that shows  
19 racial disparities in the application of common sentence enhancements.
  - 20 • In the gang enhancement section, add language specifying that some  
21 aspects of the law would require a super-majority vote or voter initiative  
22 to change.
  - 23 • In the parole section, add language that the Board of Parole Hearings  
24 should release demographic data of hearing outcomes quarterly.

25 ADMINISTRATIVE MATTERS

26 **Approval of Minutes**

27 The Committee considered Memorandum 2021-02 presenting draft Minutes  
28 for the Committee’s December meeting.

29 The Committee approved the Minutes without change.

APPROVED AS SUBMITTED

\_\_\_\_\_  
Date

APPROVED AS CORRECTED  
(for corrections, see Minutes of next meeting)

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Executive Director