

Admin.

January 19, 2022

## Memorandum 2022-1

**Draft Minutes of November 16, 2021 Meeting**

---

The Committee on Revision of the Penal Code held a meeting on November 16, 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

---

**DRAFT MINUTES OF MEETING**  
**COMMITTEE ON REVISION OF THE PENAL CODE**  
**NOVEMBER 16, 2021**

---

1       A meeting of the Committee on Revision of the Penal Code was held on  
2 November 16, 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                            Hon. Thelton Henderson, Ret.  
7                            Assembly Member Alex Lee  
8                            Senator Nancy Skinner  
9                            Hon. Peter Espinoza, Ret.  
10                          Hon. Carlos Moreno, Ret.  
11                          Priscilla Ocen

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       **Invited Presenters:**

20       Chief Justice Tani Cantil-Sakauye  
21       Attorney General Rob Bonta

22       **Other Persons:**

23       Up to 55 members of the public observed the meeting as attendees. The  
24       Committee did not prepare a list of those attendees.

CONTENTS
----------

25	Approval of Actions Taken.....	2
26	Ongoing Business.....	2
27	Administrative Matters .....	3

1



2

APPROVAL OF ACTIONS TAKEN

3

4

5

6

Unless otherwise indicated, the Committee decisions noted in these Minutes were approved by all members present at the meeting. If a member who was present at the meeting voted against a particular decision, abstained from voting, or was not present when the decision was made, that fact will be noted below.

7

ONGOING BUSINESS

8

9

10

The Committee considered Memorandum 2021-19, which presented a draft of the 2021 Annual Report. After discussion, the Committee directed staff to make the following modifications:

11

12

13

14

- Remove the recommendation to allow appellate courts to reduce sentences in the interests of justice from the report. The Committee voted to postpone making this recommendation pending further study and deliberation.

15

16

- Add language to the report reemphasizing the Committee's 2021 recommendations regarding second-look sentencing.

17

18

19

20

The Committee voted to approve the draft with the understanding that further non-substantive revisions may be made by the staff, with approval of the Chair, before the report is formally submitted to the Governor and Legislature.

1

ADMINISTRATIVE MATTERS

2       The Committee considered Memorandum 2021-18 presenting draft Minutes  
3 for the Committee's September 30, 2021 meeting.

4       The Committee approved the Minutes without change.

APPROVED AS SUBMITTED

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Chairperson

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