

Staff Memorandum 2023-08
Draft Minutes of June 23, 2023 Meeting

The Committee on Revision of the Penal Code held a meeting on June 23, 2023. Draft Minutes for that meeting are attached for Committee members to review.

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
Senior Staff Counsel

DRAFT MINUTES OF MEETING
COMMITTEE ON REVISION OF THE PENAL CODE
June 23, 2023

A meeting of the Committee on Revision of the Penal Code was held on June 23, 2023. Consistent with Government Code Section 11133, the meeting was held as an online video webinar.

Committee:

Present: Michael Romano, Chairperson
Asm. Isaac Bryan
Hon. Peter Espinoza, Ret.
Hon. Carlos Moreno, Ret.

Absent: Senator Nancy Skinner

Staff:

Present: Thomas M. Nosewicz, Legal Director
Joy F. Haviland, Senior Staff Counsel
Rick Owen, Senior Staff Counsel

Invited Presenters:

- Aili Malm, Professor of Criminology and Criminal Justice, California State University Long Beach
- Erica Shehane, Director for LEAD, Officer of Diversion and Reentry, Los Angeles County Department of Health Services
- Capt. Geoffrey Deedrick, Los Angeles Sheriff's Department
- Brendan Cox, Director of Policing Strategies, LEAD National Support Bureau
- Doug Haubert, Long Beach City Prosecutor

- Andrea Brayboy, Chief, CalFresh and Nutrition Branch, California Department of Social Services
- Kimberley Brauer, Section Chief, California Department of Social Services Data Stewardship and Integrity Bureau
- Jeff Chorney, Deputy Public Defender, Alameda County
- Kamaria Henry, Managing Deputy District Attorney, Riverside County
- Antionette Dozier, Senior Attorney, Western Center on Law and Poverty
- John Martire, President, California Welfare Fraud Investigators Association
- Anita Lee, Principal Fiscal and Policy Analyst, California Legislative Analyst's Office
- Francine Byrne, Director of Criminal Justice Services, Judicial Council of California
- Tarra Simmons, Washington State Representative
- Lisa Foster, Director, Fines and Fees Justice Center
- Bryan Sykes, Associate Professor of Criminology, University of California, Irvine
- Leon Dixson, Managing Attorney and Acting Regional Counsel, Legal Services of Northern California

Other Persons:

Up to 46 members of the public observed the meeting. The Committee did not prepare a list of those attendees.

Approval of Actions Taken

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.

New Business

The Committee considered Memorandum 2023-04 and its first supplement, which discuss selected issues at the intersection of poverty and criminal law. The Committee received presentations about LEAD from Aili Malm, about public benefits from Andrea Brayboy and Kimberly Brauer, and about fines, fees, and other monetary sanctions from Anita Lee, Francine Byrne, and Tarra Simmons.

The Committee also heard from panelists on the following topics:

- Law Enforcement Assisted Diversion (Erica Shehane, Capt. Geoffrey Deedrick, Brendan Cox, Doug Haubert)
- Welfare Fraud (Jeff Chorney, Kamaria Henry, Antionette Dozier, John Martire)
- Fines, Fees, and Other Monetary Sanctions (Lisa Foster, Bryan Sykes, Leon Dixson)

The Committee is grateful for the participation of all of the panelists.

The Committee also heard public comment.

The Committee discussed LEAD, welfare fraud prosecutions, California's system of fines and fees, and the ideas presented by the panelists. After discussion, the Committee directed staff to research the following topics:

- *Limit welfare fraud prosecutions:* Establish guidelines for welfare fraud prosecutions that require more substantial evidence of intent to defraud.
- *Reduce the scope of monetary sanctions:* End or reduce the imposition of monetary sanctions for indigent people convicted of misdemeanors or felonies.
- *Expand LEAD:* Establish additional LEAD pilots and create guidance in the Penal Code encouraging law enforcement to divert people arrested for minor offenses.

Ongoing Business

The Committee considered Memorandum 2023-06, which presented updates on research from the March 2023 meeting. The Committee directed staff to continue developing the following proposals as outlined in Memorandum 2023-06:

- Create general resentencing procedures.
- Apply the “nickel prior” reform retroactively.
- Clarify that SB 81’s updates to Penal Code § 1385 apply to strikes.
- Expand second-look sentencing.
- Improve data access to support Racial Justice Act claims.

Administrative Matters

The Committee considered Memorandum 2023-03, which presented an update on 2023 crime statistics.

The Committee considered Memorandum 2023-05 presenting draft Minutes for the Committee’s March 2023 meeting.

The Committee approved the Minutes without change.