

Staff Memorandum 2024-02
Draft Minutes of November 20, 2023 Meeting

The Committee on Revision of the Penal Code held a meeting on November 20, 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,

Thomas M. Nosewicz
Legal Director

DRAFT MINUTES OF MEETING
COMMITTEE ON REVISION OF THE PENAL CODE
November 20, 2023

A meeting of the Committee on Revision of the Penal Code was held on November 20, 2023. Consistent with Government Code Section 11133, the meeting was held as an online video webinar.

Committee:

Present: Michael Romano, Chairperson
Assembly Member Isaac Bryan
Hon. Peter Espinoza, Ret.
Hon. Carlos Moreno, Ret.
Senator Nancy Skinner
Priscilla Ocen

Staff:

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

Other Persons:

Up to 25 members of the public observed the meeting as attendees. 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.

Ongoing Business

The Committee considered Memorandum 2023-12, which presented a draft of the 2023 Annual Report. After discussion, the Committee directed staff to make the following modifications:

- Support Law Enforcement Assisted Diversion
 - Specify that law enforcement officials have discretion under current law to initiate LEAD-type programs.
- Use Financial Incentives to Safely Reduce Short Prison Stays
 - Specify that this program should not lead to an increase in local jail populations.
 - Refer to the Committee’s earlier recommendation on this topic in 2020 and note that the approach taken there – mandating that counties retain people in county jail who would otherwise serve a short time in prison — remains a viable one to enhance public safety.

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.

In addition, following a presentation by the Legal Director, the Committee discussed potential topics for study for the 2024 agenda. After discussion, the Committee directed staff to prepare Committee meetings on these general topics for the rest of the year:

- “DUI” — driving under the influence of alcohol or other substances — laws
- Civil forfeiture
- Factual innocence
- Accomplice liability, with a focus on extreme sentences imposed on women

The Committee may also take up additional topics, including some issues related to conditions of confinement and further gender-related issues. The first meeting in 2023 will be scheduled in February or March.

The Legal Director gave a presentation on Memorandum 2023-13, which presented an update on 2023 violent crime statistics.

Administrative Matters

The Committee considered Memorandum 2023-11 presenting draft Minutes for the Committee’s October 2023 meeting.

The Committee approved the Minutes without change.