

Staff Memorandum 2024-10
Draft Minutes of July 12, 2024 Meeting

The Committee on Revision of the Penal Code held a meeting on July 12, 2024. 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
July 12, 2024

A meeting of the Committee on Revision of the Penal Code was held on July 12, 2024. Consistent with Government Code Section 11123.5, the meeting was held as an online video webinar. Members of the public were able to physically attend, observe, hear, and participate in the meeting at the primary physical meeting location of 925 L Street, 1st Floor Conference Room, Sacramento, California.

Committee:

Remote attendance: Michael Romano, Chairperson
Assembly Member Isaac Bryan
Hon. Peter Espinoza, Ret.
Heidi Rummel
Senator Nancy Skinner

Absent: Priscilla Ocen

Staff:

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

Physical location: Megan Hyenga, Office Technician

Invited Presenters:

- Ari Freilich, Director, Department of Justice, Office of Gun Violence Prevention
- Reygan Cunningham, Co-Director, California Partnership for Safe Communities
- David Muhammad, Executive Director, National Institute for Criminal Justice Reform
- Mike McLively, Policy Director, Giffords Center for Violence Intervention
- Chief Kathy Lester, Sacramento Police Department

- Julia Weber, Consultant, Giffords Law Center to Prevent Gun Violence
- Marisa McKeown, Deputy District Attorney, Santa Clara District Attorney
- Michael Vidmar, Deputy District Attorney, Santa Clara District Attorney
- Dr. Garen J. Wintemute, UC Davis, Director, Violence Prevention Research Program
- Lynda Gledhill, Executive Officer, California Victim Compensation Board
- Katie Cardenas, Deputy Executive Officer, External Affairs and Compliance Division, California Victim Compensation Board
- Dr. Annette Dekker Assistant Professor, Department of Emergency Medicine, UCLA David Geffen School of Medicine
- Dr. Breena Taira, Director of Social Medicine, Olive View-UCLA Medical Center
- Dr. Gena Castro Rodriguez, Executive Director, National Alliance for Trauma Recovery Centers
- Professor Joel Caplan, Rutgers School of Criminal Justice
- Anita Lee, Principal Fiscal & Policy Analyst, Legislative Analyst's Office
- Steven Jesse Corral, Deputy District Attorney, Alameda County District Attorney's Office

Other Persons:

Up to 51 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.

New Business

The Committee considered Memorandum 2024-04 and its first supplement, which discuss crime prevention, disruption, and intervention. The Committee received presentations from the Director of the California Department of Justice Office of Gun

Violence Prevention and from Professor Joel Caplan about place-based crime prevention.

The Committee also heard from panelists on the following topics:

- Crime Prevention (Reygan Cunningham, David Muhammad, Mike McLively, Chief Kathy Lester, Ari Freilich)
- Firearm Relinquishment (Julia Weber, Marisa McKeown, Michael Vidmar, Dr. Garen Wintemute, Ari Freilich)
- Trauma Recovery Centers (Lynda Gledhill, Katie Cardenas, Dr. Annette Dekker, Dr. Breena Taira, Dr. Gena Castro Rodriguez)
- Asset Forfeiture (Anita Lee, Steven Jesse Corral)

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

The Committee considered Memorandums 2024-07 and 2024-08, which presented updates on 2023 and 2024 crime statistics.

The Committee discussed crime prevention, firearm relinquishment, trauma recovery recenters, and asset forfeiture. After discussion, the Committee directed staff to research the following topics:

- CalVIP: Continue research into whether the California Violence Intervention & Prevention (CalVIP) Grant Program would benefit from additional structure and leadership, as suggested by panelists.
- Diversion for firearm possession: Develop recommendation for a prosecutor-led firearm possession program.
- Enhancements for being “armed” with a firearm: Research current state of law, particularly around liability for defense possession.
- Asset forfeiture: Develop recommendation requiring a minimum before forfeiture can occur, expanding the use of forfeiture funds for crime victims, and whether forfeiture should be expanded to additional offenses, including organized retail theft.

Ongoing Business

The Committee considered Memorandum 2023-05, which presented updates on research from the March 2024 meeting. The Committee directed staff to continue developing the following proposals as outlined in Memorandum 2024-05:

- Create presumptive judicial diversion for many first-time DUI offenses.

- DUI classes.
- Expand the use of DUI Collaborative Courts.
- Streamline license suspensions related to DUI.

The Committee also heard public comment.

Administrative Matters

The Committee considered Memorandum 2024-06 presenting draft Minutes for the Committee's March 2024 meeting.

The Committee approved the Minutes without change.