

Staff Memorandum 2025-02
Draft Minutes of November 25, 2024 Meeting

The Committee on Revision of the Penal Code held a meeting on November 25, 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
November 25, 2024

A meeting of the Committee on Revision of the Penal Code was held on November 25, 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

Absent: Priscilla Ocen
Senator Nancy Skinner

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

Other Persons:

Up to 14 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 2024-21, which presented a draft of the 2024 Annual Report. After discussion, the Committee directed staff to make the following modification:

- For the recommendation to Harmonize and Clarify the Post-Conviction Processes for Showing Innocence and Wrongful Convictions, specify that to overcome procedural bars, defendants need to show by a preponderance of the evidence that there would have been a different result considering all the evidence now before the court.

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 2025 agenda. After discussion, the Committee directed staff to begin researching the following topics for potential Committee meetings in 2025:

- Accomplice liability continued: extreme sentences for women
- Peremptory challenges: jurors and judges (Code of Civil Proc. § 170.6)
- “Serious” and “violent” offenses: classification and consequences
- Supervision (parole, probation etc.): procedures & practices
- Racial Justice Act: implementation
- Life without parole sentences: particularly for people who were young at the time of the offense

The Committee may also take up additional topics. The first meeting in 2025 will be scheduled in February or March.

The Legal Director gave a presentation on Memorandum 2024-22, which presented an update on violent crime statistics for the third quarter of 2024.

The Committee also heard public comment.

Administrative Matters

The Committee considered Memorandum 2024-20 presenting draft Minutes for the Committee’s October 2024 meeting.

The Committee approved the Minutes without change.