

Staff Memorandum 2025-05
Draft Minutes of April 25, 2025 Meeting

The Committee on Revision of the Penal Code held a meeting on April 25, 2025. 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
April 25, 2025

A meeting of the Committee on Revision of the Penal Code was held on April 25, 2025. 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, Bion M. Gregory Conference Room, Sacramento, California.

Committee:

Remote attendance: Michael Romano, Chairperson
Assembly Member Isaac Bryan
Hon. Peter Espinoza, Ret.
Priscilla Ocen
Heidi Rummel
Senator Scott Wiener

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:

- David Andreasen, Staff Attorney, California Appellate Project
- Sandra L. Babcock, Clinical Professor, International Human Rights Clinic, Cornell Law School and Faculty Director, Center on the Death Penalty Worldwide
- Jamie Beck, Human Trafficking and Domestic Violence Expert Witness & Consultant
- Andrea N. Cimino, Research Director, The Regilla Project at the Stanford Criminal Justice Center
- Justin Dews, Chair for New Jersey Clemency Advisory Board
- Wendy Howard
- Kate Mogulescu, Professor of Clinical Law, Brooklyn Law School and Legal & Policy Director of the Survivors Justice Project
- Debbie Mukamal, Executive Director, Stanford Criminal Justice Center
- Tracy Prior, Chief Deputy District Attorney, San Diego County
- Elizabeth Sheehy, Professor Emerita of Law, University of Ottawa
- Alissa Skog, California Policy Lab

Other Persons:

Up to 18 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 2025-01, which discusses survivors of intimate-partner violence as criminal defendants and related matters.

The Committee received presentations from the California Policy Lab about trends in incarceration, particularly prison sentences, for women in California, and from the Stanford Criminal Justice Center about the prevalence and impact of intimate-partner violence among women incarcerated for homicide in California's prisons.

The Committee heard from panelists on the following topics:

- Self-Defense for Survivors (David Andreasen, Wendy Howard, Elizabeth Sheehy, Sandra L. Babcock)
- Coercion and Related Sentencing Considerations (Jamie Beck, Kate Mogulescu, Tracy Prior)

The Committee also received a presentation from Justin Dews, Chair of the New Jersey Clemency Advisory Board, on clemency initiatives.

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

The Committee considered Memorandum 2025-01, which discusses survivors of intimate-partner violence as criminal defendants and related matters as well as ideas presented by the panelists. After discussion, the Chair directed staff to research the following topics:

- Retroactivity: Allowing retroactive application of the *People v. Collins* decision from the California Supreme Court. Also consider whether a more general retroactivity principle applying to court decisions should be in the Penal Code.
- Self-defense: For cases involving intimate-partner violence where the defendant is accused of killing their abuser, specifying that self-defense is allowed when used to prevent or escape a threat of ongoing, life-threatening domestic abuse and update how “imminence” and “acting from fear alone” are considered in this context. Include discussion of the Model Penal Code’s self-defense standard.
- Coercion defense: Clarifying the legal standard, including by specifying facts that support the defense and the role that coercive control plays.
- Gender stereotypes: Expanding or creating a similar statutory framework as the Racial Justice Act to include gender-based bias.
- Clemency: Updating the Committee on the development of regulations by the Board of Parole Hearings addressing how clemency investigations should occur.
- Vactur: Specifying that courts have the ability to assign counsel in motions to vacate convictions based on IPV as provided in Penal Code § 236.15.

The Legal Director gave a presentation on Memorandum 2025-03, which presented an update on violent crime statistics for yearend 2024.

The Committee also heard public comment.

Administrative Matters

The Committee considered Memorandum 2025-02 presenting draft Minutes for the Committee's November 2024 meeting.

The Committee approved the Minutes without change.