

Staff Memorandum 2025-13
Draft Minutes of July 23, 2025 Meeting

The Committee on Revision of the Penal Code held a meeting on July 23, 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
July 23, 2025

A meeting of the Committee on Revision of the Penal Code was held on May 23, 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, 1st Floor Conference Room, Sacramento, California.

Committee:

Remote attendance: Michael Romano, Chairperson
Hon. Peter Espinoza, Ret.
Mary Kennedy
Priscilla Ocen
Heidi Rummel

Absent: Assembly Member Isaac Bryan
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:

- Professor Steven Raphael, California Policy Lab
- Judge Richard Couzens (ret.)
- Simon O'Connell, Contra Costa County District Attorney's Office
- Elizabeth Lashley-Haynes, Los Angeles County Public Defender's Office
- Lisa Romo, Office of the State Public Defender

Other Persons:

Up to 66 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 received a presentation from Professor Steven Raphael about racial disparities in California's prison population.

The Committee considered Memorandum 2025-08, which discusses California's Racial Justice Act and related matters. The Committee heard from the following invited presenters on that topic: Judge Richard Couzens, Simon O'Connell, Elizabeth Lashley-Haynes, and Lisa Romo.

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

The Committee discussed the Racial Justice Act. After discussion, the Chair directed staff to continue developing the staff recommendations in Memorandum 2025-08, and to include possible recommendations about the following: the role that a special master could play in understanding and evaluating statistical evidence in RJA claims, requiring prosecutors to notify similarly-situated people of relevant Racial Justice Act rulings, whether doctrine or rules from statistics-based claims in employment discrimination law may help clarify the RJA, and whether there should be more statutory guidance on when protective orders are appropriate for materials disclosed under Penal Code § 745(d).

The Legal Director gave a presentation on the status of pending legislation implementing Penal Code Committee recommendations, and an update on crime and related statistics for 2024 (see Memorandum 2025-11).

Ongoing Business

The Committee considered Memorandum 2025-10, which presented updates on research from the April and May 2025 meetings, as well as additional updates presented by staff on updates to the coercion defense in AB 938 (Bonta). The Committee directed staff to continue developing the proposals specified in the memorandum, including to consider whether the proposal around 170.6 disqualifications should only be limited to challenges brought by prosecutors.

The Committee also heard public comment.

Administrative Matters

The Committee considered Memorandum 2025-09 presenting draft Minutes for the Committee's May 2025 meeting.

The Committee approved the Minutes without change.