

Staff Memorandum 2025-17
Draft Minutes of October 2, 2025 Meeting

The Committee on Revision of the Penal Code held a meeting on October 2, 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
October 2, 2025

A meeting of the Committee on Revision of the Penal Code was held on October 2, 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
Heidi Rummel

Absent: Assembly Member Isaac Bryan
Priscilla Ocen
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:

- Alissa Skog and Manny Prunty, California Policy Lab
- District Attorney Dan Dow, San Luis Obispo County
- Tinisch Hollins, Executive Director, Californians for Safety and Justice
- Gay Hardwick, Co-Founder of Phyllis's Garden
- Holly Fleming, Program Coordinator, Children's Advocacy Centers of California
- Alison Kephart, Chief Operating Officer, WEAVE
- Jess Nichol and Annie Nichol, Survivors Advocates, Partnered with Crime Survivors Speak

Other Persons:

Up to 23 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 2025-12, which discusses Victims' Rights and Serious and Violent Felonies and Related Matters.

The Committee received presentations from Alissa Skog and Manny Prunty of the California Policy Lab on data about serious and violent offenses. The Committee then received presentations from District Attorney Dan Dow, of San Luis Obispo County, and Tinisch Hollins, Executive Director, Californians for Safety and Justice, on victims rights and needs. The Committee then heard a panel discussion on victims needs from Gay Hardwick, Co-Founder of Phyllis's Garden, Holly Fleming, Program Coordinator, Children's Advocacy Centers of California, Alison Kephart, Chief Operating Officer, WEAVE, and Jess Nichol and Annie Nichol, Survivors Advocates, Partnered with Crime Survivors Speak.

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

After discussion, the Committee directed staff to include in the draft 2025 Annual Report recommendations related to these topics as detailed below.

The Legal Director gave a presentation on the status of pending legislation implementing Penal Code Committee recommendations, and an update on violent crime data for 2025 (see Memorandum 2025-14).

Ongoing Business

The Committee considered Memorandum 2025-15, which presented staff proposals on Gender Bias, 170.6 Disqualifications, and the Racial Justice Act, and Other Matters Discussed at the April, May, and July 2025 Meetings, and Memorandum 2025-16, which provided a summary list of staff recommendations made throughout the year. Staff gave a presentation on staff recommendations for inclusion in the 2025 Annual Report.

The Committee heard public comment.

The Committee gave staff direction to draft the following recommendations for the Committee's 2025 Annual Report:

Victim's Rights

- Require counties to establish and use Child Advocacy Centers.
- Establish a victim's right to be heard on protective orders.
- Require courts to ensure victims in serious and violent cases are informed of plea agreements.

Gender Bias

- Allow habeas corpus relief for people convicted of failure-to-protect murder under pre-*Collins* standards.
- Modernize the statutory definition of self-defense in intimate-partner violence cases.
- Require heightened judicial scrutiny of potentially gender-biased evidence.

Racial Justice Act

- Expand a court's power to appoint referees in RJA cases.
- Abrogate Huerta and clarify that the RJA applies to enhancements.
- Improve data access to support RJA claims.
- Strengthen appellate review of RJA claims.

Other recommendations

- Limit blanket challenges in criminal cases under Code of Civil Procedure § 170.6.
- Modify the serious and violent lists with additions and subtractions.

Staff will prepare a draft of the 2025 Annual Report for the Committee to review at its next meeting in November 2025.

Administrative Matters

The Committee considered Memorandum 2025-13 presenting draft Minutes for the Committee's July 2025 meeting.

The Committee approved the Minutes without change.