

Staff Memorandum 2022-05
Draft Minutes of February, 2022 Meeting

The Committee on Revision of the Penal Code held a meeting on February 23–24, 2022. 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,

Rick Owen
Senior Staff Counsel

DRAFT MINUTES OF MEETING
COMMITTEE ON REVISION OF THE PENAL CODE
FEBRUARY 23–24, 2022

A meeting of the Committee on Revision of the Penal Code was held on February 23–24, 2022. Consistent with Executive Order N-1-22, the meeting was held as an online video webinar.

Committee:

Present: Michael Romano, Chairperson
Hon. Peter Espinoza, Ret.
Hon. Thelton Henderson, Ret.
Assembly Member Alex Lee
Hon. Carlos Moreno, Ret.
Senator Nancy Skinner

Staff:

Present: Brian Hebert, Executive Director
Barbara Gaal, Chief Deputy Director
Thomas M. Nosewicz, Legal Director
Rick Owen, Senior Staff Counsel

Invited Presenters:

- Dr. Gena Castro Rodriguez, Assistant Professor, University of San Francisco & Director, Survivor Policy, Prosecutors Alliance
- Ryan Couzens, Assistant Chief Deputy District Attorney, Yolo County
- Ralph Diaz, President & CEO, Stand Up for Victims
- Mariam El-Menshawi, Director, California Victims Legal Resource Center
- Lynda Gledhill, Executive Officer, California Victim Compensation Board
- Delaney Green, Clinical Teaching Fellow, UC Berkeley Policy Advocacy Clinic
- Cymone Fuller, Co-Director, Impact Justice Restorative Justice Project

- Rachel Michelin, President & CEO, California Retailers Association
- Thomas Morgan, CDCR Victim-Offender Dialogue Participant
- Steven Raphael, Professor of Public Policy, UC Berkeley
- Jeff Reisig, District Attorney, Yolo County & President, California District Attorneys Association
- Aswad Thomas, National Director, Crime Survivors for Safety and Justice
- Mike Young, Assistant Chief, CDCR Office of Victim and Survivor Rights & Services

Other Persons:

Up to 49 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 2022-02 and its first and second supplements, which discuss victims' rights and services. The Committee heard from panelists on the following topics:

- Crime Victim and Survivor Rights and Services (Mariam El-Menshawi, Rachel Michelin, and Ralph Diaz).
- Crime Victim Compensation and Restitution (Delaney Green, Aswad Thomas, Dr. Gena Rodriguez Castro).
- Restorative Justice (Jeff Reisig, Ryan Couzens, Cymone Fuller, Mike Young, Thomas Morgan).

The Committee also heard special presentations from the Executive Officer of the California Victim Compensation Board, Lynda Gledhill, and from professor Steven Raphael on behalf of the California Policy Lab. The Committee is grateful for each panelists' participation. The Committee also heard public comment.

The Committee discussed ideas presented by each panel of witnesses. After discussion, the Committee directed staff to research the following topics:

- *Access to Victims' Rights and Services*: Improving notice and assistance to victims in exercising rights, consolidating victims' services, and providing that judges enforce notification of victims' rights, and announce the anticipated earliest eligible release date at sentencing.
- *Retail Theft*: Review current efforts to improve retail theft enforcement against online resellers, and research the use and effectiveness of diversion and job training for people charged with shoplifting in other jurisdictions.
- *Victim Compensation and Restitution*: Consolidating the state's victim compensation and restitution schemes, providing direct payments to victims instead of reimbursements, and improving eligibility for victim compensation.
- *Restorative Justice*: Implementing a victims' right to restorative justice, and expanding the definition of "civil compromise" in the Penal Code.

Administrative Matters

The Committee considered Memorandum 2022-03 presenting draft Minutes for the Committee's January 21, 2022 meeting.

The Committee approved the Minutes without change.