

Staff Memorandum 2025-09
Draft Minutes of May 23, 2025 Meeting

The Committee on Revision of the Penal Code held a meeting on May 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
May 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
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:

- Judge Daniel P. Maguire, Yolo County Superior Court
- Kathleen Guneratne, Alameda County Public Defender
- District Attorney Dan Dow, San Luis Obispo County
- Judge Dan Bunch (Ret.), Circuit Court Judge, 13th Judicial District, Oregon
Judicial Department

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.

New Business

The Committee considered Memorandum 2025-04, which discusses automatic disqualifications of a judge and related matters. The Committee heard from the invited presenters on that topic.

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

After discussion, the Chair directed staff to continue developing a proposal that would address abuse of “blanket” disqualifications under Code of Civil Procedure § 170.6.

The Legal Director gave a presentation on the status of pending legislation implementing Penal Code Committee recommendations, an update on violent crime statistics for the first quarter of 2025 (see Memorandum 2025-06), and a preview of the California Prison Data Dashboards developed with the California Policy Lab.

Ongoing Business

The Committee considered Memorandum 2023-07, which presented updates on research from the April 2025 meeting. The Committee gave staff the following direction:

- **Retroactivity:** Continue developing a recommendation for the retroactivity of the recent California Supreme Court case *People v. Collins*. Separately, reassess a recommendation on general retroactivity for new caselaw.
- **Coercion defense:** Monitor developments in AB 938 and contact experts on this issue to determine whether developing additional factors for this defense is appropriate.
- **Vacatur motions based on IPV and related:** Given the small nature of the proposed amendment to the Penal Code (adding additional examples to the “ameliorative statutes” in Penal Code § 1171(a)), staff will evaluate if there is continued interest in introducing that change in a bill for this session.
- **Self-defense in intimate-partner violence cases:** Clarify that this proposal would apply in other domestic abuse situations and not just intimate-partners.

The Committee also heard public comment.

Administrative Matters

The Committee considered Memorandum 2025-05 presenting draft Minutes for the Committee's April 2025 meeting.

The Committee approved the Minutes without change.