

Staff Memorandum 2025-16

Overview of Proposed Staff Recommendations for 2025 Annual Report

At its October 2025 meeting, the Committee on Revision of the Penal Code will consider recommendations to include in its 2025 Annual Report. This memorandum provides a summary list of staff recommendations made throughout the year. The Committee should consider these recommendations and make a final decision on which recommendations should be included in the 2025 Annual Report.

For completeness, this list includes staff recommendations that will be discussed for the first time at the October meeting.

Additional data and analysis for each recommendation are in the staff memorandums indicated in the relevant footnote.

Based on the Committee's decisions about the below recommendations, staff will prepare a draft Annual Report for the Committee's review at its November 2025 meeting.

Staff Recommendations for 2025 Annual Report

Gender bias

- Allow habeas corpus relief for people convicted of failure-to-protect murder under pre-*People v. Collins* standards.¹
- Require heightened judicial scrutiny of potentially gender-biased evidence.²
- Modernize the statutory definition of self-defense in IPV cases.³

Racial Justice Act⁴

- Reduce duplicative litigation about prima facie cases.
- 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.

¹ For additional information, see Staff Memorandum 2025-10.

² For additional information, see Staff Memorandum 2025-15.

³ For additional information, see Staff Memorandum 2025-07.

⁴ For additional information, see Staff Memorandum 2025-15.

Other recommendations

- Limit blanket challenges in criminal cases under Code of Civil Procedure § 170.6.⁵
- Modify the serious and violent lists.⁶
- Require counties to establish and use Child Advocacy Centers.⁷
- Establish a victim's right to be heard on protective orders.⁸

Respectfully submitted,

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Legal Director

⁵ For additional information, see Staff Memorandum 2025-10 and 2025-15.

⁶ For additional information, see Staff Memorandum 2025-12.

⁷ For additional information, see Staff Memorandum 2025-12.

⁸ For additional information, see Staff Memorandum 2025-12.