

Staff Memorandum 2026-12
Draft Minutes of May 15, 2026 Meeting

The Committee on Revision of the Penal Code held a meeting on May 15, 2026. 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 15, 2026

A meeting of the Committee on Revision of the Penal Code was held on May 15, 2026. 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
Assembly Member Sade Elhawary
Mary Kennedy

Absent: Hon. Peter Espinoza, Ret.
Priscilla Ocen
Heidi Rummel
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:

- Johanna Lacoe, California Policy Lab

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 2026-05, which discusses sentencing enhancements, aggravating factors, Penal Code § 17(b) reductions, and related matters. Staff presented on these topics. The Committee also received a presentation from Johanna Laco, Research Director at the California Policy Lab, on sentencing enhancements and the prison population, including trends in gun, gang, and nickel prior enhancement admissions before and after recent statutory changes.

After discussion, the Chair directed staff to research the following issues:

- Whether Three Strikes sentencing and similar schemes sometimes classified as alternative sentences should be treated as sentence enhancements for all purposes.
- Data on misdemeanor and felony wobbler sex offense convictions.
- Other states' approaches to firearm enhancements.
- Information on the number and type of letters that CDCR Case Records sends to courts identifying potential sentencing errors.

Staff will also continue to research and refine the staff proposals in Memorandum 2026-05.

Ongoing Business

The Committee considered Memorandum 2026-07, which provided updates on staff research and preliminary proposals on diversion, criminal record relief, and related matters first discussed at the Committee's April 2026 meeting.

Staff will continue developing the proposals presented in that memo and at the meeting.

Administrative Matters

The Committee considered Memorandum 2026-06 presenting draft Minutes for the Committee's April 2026 meeting.

The Committee approved the Minutes without change.

The Committee considered Memorandum 2026-08, a staff proposal for a report taking stock of the Committee's accomplishments to date and the Committee recommendations that remain to be acted on.

The Committee directed staff to prepare and finalize the report in coordination with the Chair, with the goal of publishing it after the release of official 2025 statewide crime statistics, which are typically issued in July.

The Chair raised the status of state funding for the California Policy Lab, whose support is set to expire at the end of the upcoming fiscal year, and members discussed potential approaches to preserve the funding.

The Legal Director presented an update on pending legislation related to Committee recommendations. The Legal Director also noted ongoing recruitment for a staff position to lead the Committee's legislative program.

The Legal Director also presented preliminary first-quarter 2026 violent crime data from the Major Cities Chiefs Association for the largest California cities, which showed an approximately six percent decline compared to the first quarter of 2025, with a small increase in homicides and decreases in other categories.

Public Comment

The Committee also gave an opportunity for public comment.