

Staff Memorandum 2026-14
Draft Minutes of October 9, 2026 Meeting

The Committee on Revision of the Penal Code held a meeting on October 9, 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
October 9, 2026

A meeting of the Committee on Revision of the Penal Code was held on October 9, 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, Suite 250, Sacramento, California.

Committee:

Remote attendance: Michael Romano, Chairperson
Assembly Member Sade Elhawary
Hon. Peter Espinoza, Ret.
Mary Kennedy
Priscilla Ocen
Heidi Rummel

Absent: 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:

- Hon. Richard Couzens, Ret.
- Salil Dudani, Civil Rights Corps
- Hon. Brooke Jenkins, District Attorney, County of San Francisco
- Johanna Lacoe, California Policy Lab
- Assembly Member Nick Schultz
- David Slayton, Superior Court of Los Angeles County
- Hon. Sergio C. Tapia II, Superior Court of Los Angeles County
- Vanessa Thompson, (Un)warranted at ideas42
- Amber Williams, Janus of Santa Cruz

Other Persons:

Up to 104 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

Assembly Member Nick Schultz, Chair of the Assembly Public Safety Committee, addressed the Committee on the criteria his committee applies to criminal justice legislation and on issues he expects the Legislature to take up next year, including continued attention to DUI issues, parole eligibility and procedures, life without parole sentences and review under Penal Code section 1172.1, and domestic violence offense restraining orders.

The Committee considered Memorandum 2026-09, which discusses bail, pretrial release, and related matters. Staff presented on these topics.

The Committee also received presentations from Presiding Judge Sergio C. Tapia II and Court Executive Officer David Slayton of the Superior Court of Los Angeles County on the court's pre-arraignment release protocol; Johanna Lacoe, Research Director at the California Policy Lab, on the effects of pre-arraignment bail schedule changes in Los Angeles and Riverside Counties; Judge Richard Couzens (Ret.) and Salil Dudani, Supervising Attorney at Civil Rights Corps, on legal issues following *In re Kowalczyk*; Amber Williams, Chief Executive Officer of Janus of Santa Cruz, on the Santa Cruz County sobering center; San Francisco District Attorney Brooke Jenkins on bail and pretrial release issues; and Vanessa Thompson, Advocacy and Campaigns Director at (Un)warranted at ideas42, on court reminders.

The Committee discussed the staff proposals in Memorandum 2026-09. The Committee agreed that staff should not continue development of a recommendation for sobering centers at this time and should continue developing the other proposals. Staff will continue to research and refine the staff proposals in Memorandum 2026-09.

Ongoing Business

The Committee considered Memorandum 2026-10, which provided an updated staff proposal for enhanced sealing of misdemeanor records first discussed at the Committee's April 2026 meeting, and Memorandum 2026-11, which provided updates on preliminary staff proposals on sentencing enhancements, aggravating factors, Penal Code § 17(b) reductions, and related matters first discussed at the Committee's May 2026 meeting.

Staff will continue developing the proposals presented in those memos and at the meeting.

Administrative Matters

The Committee considered Memorandum 2026-12 presenting draft Minutes for the Committee's May 2026 meeting.

The Committee approved the Minutes without change.

The Chair reported that — due to advocacy from Asm. Elhawary and Sen. Wiener — state funding for the California Policy Lab's work with the Committee was renewed in the state budget for another year.

The Chair also acknowledged that the Committee's next meeting will be held October 27, 2026, at the California Institution for Men in Chino and accessible via Zoom.

The Legal Director presented an update on legislation related to Committee recommendations and the status of the report on the Committee's accomplishments discussed in Memorandum 2026-08, which staff expect to release before the next meeting. The Legal Director also noted ongoing recruitment for a staff position to lead the Committee's legislative program.

The Legal Director also presented the Committee's new crime data resource, californiacrimedata.org, developed with the California Policy Lab. Members discussed expanding the resource, including adding data on corrections spending, and ways to publicize it.

Members also proposed topics for the meeting on October 27, 2026: Racial Justice Act data and a Committee letter to the Governor regarding clemency for people sentenced to death.

Public Comment

The Committee also gave an opportunity for public comment.