Staff Memorandum 2026-19
Draft Minutes of October 27, 2026 Meeting

The Committee on Revision of the Penal Code held a meeting on October 27, 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 27, 2026

A meeting of the Committee on Revision of the Penal Code was held on October 27, 2026. Consistent with Government Code Section 11123.5, the meeting was held as an online video webinar with Committee members and staff participating via Zoom and physically present at the California Institution for Men. 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, Analyst II

Invited Presenters

- Dr. Muhammad Farooq, California Institution for Men
- Mary Lundeen, Office of the Inspector General
- Dr. Grace Song, California Correctional Health Care Services
- Scott Wyckoff, California Board of Parole Hearings

Other Persons:

Up to 104 members of the public observed the meeting as attendees. The Committee did not prepare a list of those attendees. Approximately 30 incarcerated men at CIM were also present for the meeting, as were various CDCR staff.

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 2026-13, which discusses the Board of Parole Hearings' sentence review regulations, CDCR's restricted housing regulations, and the costs of incarcerating people who are elderly, disabled, or have significant medical needs.

The Committee received presentations from Scott Wyckoff, Executive Officer of the California Board of Parole Hearings, on the Board's new commutation and recall-of-sentence regulations; Mary Lundeen, Supervising Attorney in the Audits Unit of the Office of the Inspector General, on the Inspector General's review of CDCR's restricted housing reforms; and Dr. Muhammad Farooq, Chief Medical Executive at the California Institution for Men, and Dr. Grace Song, Deputy Medical Executive, Utilization Management, at California Correctional Health Care Services, on the costs of incarcerating people who are advanced in age, disabled, or have significant medical needs.

The Committee then held a discussion with approximately 30 people incarcerated at the California Institution for Men.

After discussion, the Committee indicated that staff should consider further study of solitary confinement as a topic for 2027.

The Committee considered Memorandum 2026-15, which presented a draft letter to the Governor urging him to commute the sentences of everyone on California's death row, consistent with the recommendation in the Committee's 2021 Death Penalty Report.

The Committee approved sending the letter.

Staff presented on Racial Justice Act data issues, including how Committee and California Policy Lab reports are used in Racial Justice Act litigation and staff's

discussions with the California Department of Justice about making data available for those cases. The Committee directed staff to present at the next meeting on the data the Committee holds and its potential use in Racial Justice Act cases.

Ongoing Business

The Committee considered Memorandum 2026-16, which summarizes the staff recommendations made throughout the year for the Committee's 2026 Annual Report.

The Committee gave staff direction to draft the following recommendations for the Committee's 2026 Annual Report:

Record Clearance

- Notify new recipients of automatic record relief.
- Require courts to explain the denial of a discretionary relief petition.
- Harmonize sealing obligations after diversion is completed.
- Grant enhanced sealing to misdemeanor criminal records after automatic record relief.

Diversion

- Expand judicial diversion to low-level felonies.
- Allow DMV to assess points for vehicular-manslaughter diversion.
- Specify the evidence a court may consider for misdemeanor military diversion.
- Conduct a comprehensive mental health diversion study.
- Allow requests for mental health diversion to be made until sentencing.

Sentencing Enhancements, Aggravating Factors, and Section 17(b) Reductions

- Direct Judicial Council to update the aggravating factors in the Rules of Court.
- Unify procedures for establishing facts that increase punishment.
- Clarify that the same fact may not be used both for upper-term sentencing and Three Strikes sentencing.
- Create a presumption of misdemeanor reduction for property offense and drug possession wobblers.
- Authorize, but not require, reclassification of sex offender registration tier when a section 17(b) reduction is granted.
- Repeal the 10-20-life firearm enhancement.
- Repeal the nickel prior enhancement.
- Specify a court's jurisdiction to address unauthorized sentences identified by CDCR Case Records.
- Create a separate statutory offense for first-degree burglary with a person present.

Bail and Pretrial Release

- End the use of cash bail.
- Require county schedules to include cite and release, book and release, and judicial review for appropriate offenses, including serious and violent offenses.
- Implement *Kowalczyk* with statewide uniformity and consistency.
- Amend Penal Code § 1270.2 so that a 5-day review is meaningful.
- Mandate that counties employ a court reminder program.

Other Recommendations

- Expand the Alternative Custody Program.

Staff will prepare a draft 2026 Annual Report for the Committee's review at its November 2026 meeting.

Administrative Matters

The Committee considered Memorandum 2026-14 presenting draft Minutes for the Committee's October 9, 2026 meeting.

The Committee approved the Minutes without change.

The Legal Director noted that the report on the Committee's accomplishments since 2020 discussed in Memorandum 2026-08 was released on the day of the meeting.

The Legal Director noted ongoing recruitment for a staff position to lead the Committee's legislative program and noted there were no updates to report for the Committee's crime data resource, californiacrimedata.org.

Public Comment

The Committee also gave an opportunity for public comment.