
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: AB 15 **Hearing Date:** July 15, 2025
Author: Gipson
Version: May 23, 2025
Urgency: No **Fiscal:** Yes
Consultant: AB

Subject: *Open unsolved murder: review and reinvestigation*

HISTORY

Source: Everytown for Gun Safety
Moms Demand Action
Students Demand Action
Youth Alive!

Prior Legislation: AB 2913 (Gipson), held in Assembly Appropriations, 2024
AB 2944 (Waldron), held in Assembly Appropriations, 2024
SB 1268 (Caballero), Ch. 227, Stats. of 2022

Support: Smart Justice California

Opposition: California State Sheriff's Association; Los Angeles County Sheriff's Department;
Los Angeles Professional Peace Officers Association

Assembly Floor Vote: 70 - 2

PURPOSE

The purpose of this bill is to require a law enforcement agency to review the casefile regarding an open unsolved murder, as defined, upon written application by certain persons to determine if a reinvestigation would result in probative investigative leads, as specified.

Existing law establishes the Victim's Bill of Rights – also known as “Marsy's Law” – in the California Constitution, which sets forth various provisions regarding the rights of victims and their families in criminal cases. (Cal. Const. Art.1, Sec.28.)

Existing law, for the purposes of Marsy's Law, defines “victim” to include the spouse, parents, children, siblings or guardian of the person directly injured by a criminal act. (Cal. Const. Art. 1, Sec. 28, subd. (e).)

Existing law declares that criminal activity has a serious impact on the citizens of California and that the rights of victims and their families in criminal prosecutions are a subject of grave statewide concern. (Cal. Const. Art.1, Sec. 28, subd. (a)(1).)

Existing law provides that a victim is entitled to be involved and updated, upon request, at various phases of their criminal case. (Cal. Const. Art.1, Sec. 28, subd. (b).)

Existing law establishes the people's right to transparency in government. ("The people have the right of access to information concerning the conduct of the people's business, and therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny...") (Cal. Const., art. I, Sec. 3.)

Existing law establishes the California Public Records Act (CPRA), which generally provides that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state, and requires government agencies to disclose government records to the general public upon request, unless such records are exempted from disclosure. (Gov. Code, § 7920.000 et seq.)

Existing law provides that the CPRA does not require the disclosure of records of complaints to, or investigations conducted by, or records of intelligence information or security procedures of, the office of the Attorney General and the Department of Justice, the Office of Emergency Services and any state or local police agency, or any investigatory or security files compiled by any other state or local police agency, or any investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes. (Gov. Code, § 7923.600.)

Existing law establishes various statutory rights for the victims and witnesses of crime, including the right to an expeditious disposition of the criminal action. (Pen. Code, § 679.02, subd. (a)(10).)

Existing law provides that prior to making any findings as to the manner and cause of death of a deceased individual with an identifiable history of being victimized by domestic violence, as specified, law enforcement investigators shall interview family members, such as parents, siblings, or other close friends or relatives of the decedent with relevant information regarding that history of domestic violence. (Pen. Code, § 679.07, subd. (a).)

Existing law provides that in the event that a local law enforcement agency makes a finding that the death is not a homicide and closes the case in a case where the individual has an identifiable history of domestic violence, family members or their legal counsel shall have the right to request any and all records of the investigation currently available under the CPRA. (Pen. Code, § 679.07, subd. (e).)

Existing law provides that in the event of a death of a minor being investigated by law enforcement, the law enforcement agency that bears the primary responsibility for the investigation shall provide the victim's parent or guardian with specified information, including information regarding the status of the investigation. (Pen. Code, § 679.09.)

Existing law defines murder as the unlawful killing of a human being, or a fetus, with malice aforethought. (Pen. Code, § 187, subd. (a).)

Existing law states that the CPRA does not require disclosure of records of complaints to, or investigations conducted by, or records of intelligence information or security procedures of, the office of the Attorney General and the Department of Justice, the California Office of Emergency Management (Cal OES), and any state or local police agency, or any investigatory or security files compiled by any other state or local police agency, or any investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes. (Gov. Code, § 7923.600, subd. (a).)

Existing law establishes in Cal OES, a program of financial assistance to provide for statewide programs of education, training, and research for local public prosecutors and public defenders and all funds made available to Cal OES for the programming offered to prosecutors and public defenders shall be administered and distributed by the Director of Cal OES. (Pen. Code, § 11501.)

This bill defines several terms used therein, as follows:

- “Agency” means a law enforcement entity in California.
- “Applicable agency” means a law enforcement agency that is investigating or has investigated the murder of the victim.
- “Designated person” means an immediate family member or a similarly situated person, or their designated legal representative, who is a member in good standing with the State Bar of California.
- “Immediate family member” means a parent, parent-in-law, legal guardian, grandparent, grandparent-in-law, sibling, spouse, child, or stepchild of a murder victim or any person who exercised in loco parentis control over a victim under 18 years of age.
- “Murder” has the same meaning as set forth in existing law.
- “Victim” means the person against whom an open unsolved murder was committed.
- “Open unsolved murder” means a murder that meets all of the following requirements:
 - The murder was committed more than three years prior to the date of the application for a case review by a designated person.
 - The murder was previously investigated by the applicable agency.
 - All probative investigative leads have been exhausted.
 - No suspect has been identified.
 - The murder was committed after January 1, 1990.

This bill requires an applicable agency to review the case file regarding an open unsolved murder upon written application by a designated person to determine if a reinvestigation would result in probative investigative leads.

This bill specifies that the case file review may include, but is not limited to, all of the following:

- An analysis of the investigative steps or follow-up steps that may have been missed in the initial investigation.
- An assessment of whether witnesses should be interviewed or reinterviewed.

- An examination of physical evidence to see if all appropriate forensic testing and analysis was performed in the first instance or if additional testing might produce information relevant to the investigation.
- An update of the case file to bring it up to current investigative standards to the extent that doing so may help develop probative leads.

This bill provides that the applicable agency shall confirm receipt of a request to review an open unsolved murder in writing and provide notice of the applicant's rights.

This bill specifies that only one case file review shall be undertaken at any one time with respect to the same open unsolved murder case, and that if there is more than one investigative agency, each investigative agency shall coordinate its case file review such that there is only one case file review occurring at any given time.

This bill provides that no later than 120 days after the receipt of the written application, the applicable agency shall conclude its review and reach a conclusion whether a reinvestigation is warranted, but may extend this time limit for a maximum of 60 days if the agency makes a finding that the number of case files to be reviewed makes it impracticable to comply with said limit without unreasonably taking resources from other law enforcement activities.

This bill provides that in cases where the time limit is extended, the agency must provide notice and an explanation of its reasoning to the designated person who filed the application.

This bill provides that each agency shall develop a written application for designated persons to request a case file review, and shall assign an individual or department responsible for receiving and processing applications for case file reviews, as specified.

This bill requires the agency to conduct a reinvestigation of the open unsolved murder at issue if the review of the casefile determines that a reinvestigation of the open unsolved murder would result in probative investigative leads.

This bill provides that a reinvestigation may include analyzing all evidence regarding the open unsolved murder at issue for the purpose of developing probative investigative leads as to the suspect or suspects.

This bill specifies that if there is more than one investigative agency, each investigative agency shall coordinate its reinvestigation such that there is only one reinvestigation occurring at any given time.

This bill specifies that the applicable agency shall provide the designated person who filed the written application with periodic updates during the case file review and reinvestigation, and shall provide the designated person who filed the application a written statement whether or not to engage in a reinvestigation at the conclusion of the case review, as specified.

This bill provides that if a case file review is completed and a conclusion is reached not to conduct a reinvestigation, no additional case file review shall be undertaken for a period of five years, unless there is newly discovered, materially significant evidence, although an agency may continue an investigation absent a designated person's application for a new case file review.

This bill provides that if a reinvestigation is done and a suspect is not identified at its conclusion, no additional case file review or reinvestigation needs to be conducted for a period of five years, unless there is newly discovered, materially significant new evidence.

This bill specifies that it shall not require an agency to provide information that would endanger the safety of any person, impede an ongoing investigation, violate a court order, or violate a legal obligation regarding privacy.

COMMENTS

1. Need for This Bill

According to the Author:

AB 15, the California Homicide Victims' Families' Right Act, would create a procedure for family members of homicide victims to request that law enforcement conduct a review of an open unsolved homicide case file to determine whether a full reinvestigation would result in new, probative investigative leads. This legislation is essential for the countless families that have lost a loved one to unlawful violence. Engaging with families of homicide victims in the review of an open unsolved homicide case is not only a step towards helping families heal. It can be a useful tool in addressing the impacts of gun violence on homicide case clearance rates and improving demographic disparities in case clearance rates.

According to Cal DOJ's Open Justice database, California's homicide case clearance rates have been at or below 65.7% for the last decade. Local department clearance rates are available on the FBI Crime Data Explorer page and reflect disparities across locations around the state. Many of California's cities that are being hit the hardest by increases in gun violence also have homicide clearance rates well below the state average. Grieving families often want more information about the status of their loved one's case, but there is no uniform process around the state for families to request further review of an unsolved case. AB 15 also brings a critical component of communication between law enforcement and homicide victims' family members by requiring that the agency consult with the family member who requests a case file review, provide periodic updates to them, and meet with them to discuss the evidence and decision regarding whether to conduct a full reinvestigation.

2. Disclosure of Law Enforcement Investigation Records

In 1968, the Legislature passed the CPRA, declaring that "access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in the state."¹ The purpose of the CPRA is to prevent secrecy in government and to contribute significantly to the public understanding of government activities.² Under the law, virtually all public records are open to public inspection unless expressly exempted in statute. However, even if a record is not expressly exempted, an agency may refuse to disclose records if on balance, the interest of nondisclosure outweighs disclosure. Generally, "records should be withheld from

¹ Gov. Code, § 7921.000

² *City of San Jose v. Superior Court* (1999) 74 Cal.App.4th 1008, 1016-1017.

disclosure only where the public interest served by not making a record public outweighs the public interest served by the general policy of disclosure.”³

Under the CPRA, records of complaints, preliminary inquiries to determine if a crime has been committed, and full-scale investigations are considered “investigatory” records and are generally exempt from disclosure, as are “any investigatory or security files compiled by any other state or local police agency.”⁴ However, even though investigative records themselves may be withheld, the CPRA mandates the disclosure of specified information about investigative activities – such as information about the suspect and their arrest – provided disclosure of any particular item does not endanger the safety of a person involved or would endanger the successful completion of the investigation or related investigation.⁵ Further, the CPRA requires that even more detailed investigatory information be disclosable to the victims of an incident or their authorized representatives, unless the disclosure would endanger the safety of a witness or someone involved in the investigation, or the successful completion of the investigation or related investigation.⁶ Law enforcement may also withhold information when investigative files reflect the analysis or conclusions of the investigating officer.⁷

In sum, while the CPRA does specifically provide for the disclosure of certain investigatory records and investigation-related information, the law gives law enforcement agencies wide latitude to deny record requests on the basis that they will endanger an individual or an investigation.

3. Recent Federal Legislation

In 2021, Congress passed the Homicide Victims’ Families’ Rights Act (hereinafter, the “Act”), which provides a system for the review of “cold” case murder files by federal law enforcement agencies, and for carrying out further investigation as warranted, upon written application by a designated person.⁸ The Act states that it solely applies to “cold cases,” which it defines as (a) committed more than three years prior to the application for case review; (b) previously investigated by federal law enforcement; (c) probative investigative leads have been exhausted; and (d) for which no likely perpetrator has been identified.

The Act includes several required components of a case file review, a specified time period in which the review must occur, and a process for a full reinvestigation of the case if the review results in a determination that such a reinvestigation would result in probative leads. Notably, if the agency receives an application but the case does not meet the definition of “cold case murder,” the Act requires the head of the agency to issue a written certification stating that final review is not necessary because all probative leads have been exhausted or because a likely perpetrator will not be identified. The federal statute is currently in the rulemaking process with the U.S. Department of Justice. Public comment for these regulations closed on March 24, 2025.⁹

³ Gov. Code, § 7922.000

⁴ Gov. Code, § 7923.600

⁵ Gov. Code, § 7923.610

⁶ Gov. Code, § 7923.605, subd. (a).

⁷ Gov. Code, § 7923.605, subd. (b); *Williams v. Superior Court [Freedom Newspapers, Inc.]* (1993) 5 Cal.4th 337, 349.

⁸ Codified at 34 U.S.C. § 60901. For the full text of the law, see: [PUBL164.PS](#)

⁹ 28 CFR Part 95 [Docket No. OAG 182; AG Order No. 6144-2025]. [Federal Register :: Homicide Victims' Families' Rights Act](#)

Because federal law enforcement agencies investigate a very small proportion of homicides in the United States (the vast majority are investigated by state & local agencies), the Act's applicability is narrow. In an effort to grant the families of California murder victims the benefit of a similar cold case murder review process, the Author has largely adapted the Act's provisions for the purposes of this bill. Indeed, many of this bill's requirements are drawn verbatim from the Act, including the types of cold cases to which the bill applies and the review process an agency must follow upon receiving an application.

4. Marsy's Law and Communications with Victims and Families

In the November 2008 election, California voters approved Proposition 9, also known as the Victim's Bill of Rights Act of 2008, or, more simply, "Marsy's Law." Prop 9 amended the California Constitution to provide additional rights to victims of crime, where a "victim" is defined as "a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act. The term 'victim' also includes the person's spouse, parents, children, siblings, or guardian, and includes a lawful representative of a crime victim who is deceased, a minor, or physically or psychologically incapacitated. The term 'victim' does not include a person in custody for an offense, the accused, or a person whom the court finds would not act in the best interests of a minor victim."¹⁰ Generally, Marsy's law guarantees crime victims the rights to be treated with dignity and respect, to be notified of and participate in court proceedings, to be heard at key stages, and to receive restitution and protection from the accused.¹¹

While Marsy's Law grants victims certain rights from the commission of the crime, most of its protections only take effect once the case is with the prosecuting agency. Prior to this phase, when a person dies due to suspected criminal behavior, existing law provides that it is generally the duty of the county coroner (and his or her deputies) to make a reasonable attempt to locate the family of a deceased person within 24 hours of taking custody of the body.¹² Most county coroners' websites include information for families regarding this and other associated duties, including obtaining the personal property of the deceased, authorizing an autopsy, and transferring possession of the body for interment.¹³ However, once these duties related to the deceased's body are discharged, the coroner bears no legal or statutory responsibility for maintaining contact with the next of kin regarding any criminal investigation.

Although it is customary for law enforcement to attempt to maintain regular communication with the families of victims while investigating a case, the complexities and exigencies involved in those investigations often make such communication difficult. Beyond the coroner duties outlined above and what is disclosable under the CPRA, existing law contains few provisions granting the families of victims access to information during the investigation phase, much less requiring law enforcement agencies to affirmatively communicate with families. One such provision was enacted in 2022, when the Legislature passed SB 1268 (Caballero) Chapter 227, Statutes of 2022, which required law enforcement agencies to provide, upon request, the parent or guardian of a minor whose death is being investigated with specified information related to

¹⁰ Cal. Const., art. I, § 28, subd. (e)

¹¹ Cal. Const., art. I, § 28, subd. (b)

¹² Gov. Code, § 27471; Health and Safety Code §§ 7104, 7104.1.

¹³ For example, see <https://coroner.saccounty.gov/Pages/FAQ.aspx>

the investigation, except where such a disclosure would jeopardize or otherwise interfere with an ongoing investigation.¹⁴

5. Effect of This Bill

As the Author points out, “There is currently no uniform statewide process that is available for families to have the privilege of requesting a review of unsolved homicide cases. There is also no obligation for law enforcement to review old cases/files or even take time to consult with families.” The Author argues that the lack of cold case reviews exacerbates the racial disparity in homicide clearance rates, adducing data showing that murders with Black victims are between 14% and 23% less likely to be cleared.¹⁵ In an effort to address these issues, the Author submits this bill, which, upon written application by specified individuals who have a relationship to the victim, requires an agency to review an open unsolved murder case file to determine if a reinvestigation would result in probative investigative leads. If the agency makes such a determination, the bill requires the agency to conduct a reinvestigation. Agencies conducting a review under the bill have 120 days to determine if a reinvestigation is necessary, but may extend that time limit by 60 days under specified conditions. Additionally, the bill provides that only one case file review shall be undertaken at any one time with respect to the same open unsolved murder case, and that if the case file review concludes that no reinvestigation is necessary, or if the reinvestigation yields no new identified suspect, no additional case file review or reinvestigation is required for a period of 5 years, unless specified conditions are met.

Some of this bill’s provisions raise questions that the Author and Committee may wish to consider. First, from a holistic perspective, it should be noted that, homicide units are, in most cases, intensely committed to solving a homicide no matter how old, and that many agencies have entire units dedicated to cold case homicides.¹⁶ Many departments have specific policies related to cold case homicides which require a periodic review of each case for any new leads or resolution via DNA testing.¹⁷ Additionally, as groups opposed to this bill point out, it is possible that the requirements of this bill will divert resources and attention from existing cases, for which resources are already stretched thin in some jurisdictions.

As mentioned above, the bill provides that an agency must review a cold case file upon written application by a “designated person,” and defines designated person as “an immediate family member or ‘similarly situated person.’” It is unclear what constitutes a “similarly situated person” in this context – is it a step-parent? Another person who has had a loved one die by homicide? A friend who was like a brother to the victim? Moreover, how does the agency determine that the individual requesting the case review is “similarly situated.” The Author and Committee may wish to clarify this.

¹⁴ Pen. Code, § 679.09

¹⁵ E.g. Fagan, Jeffrey and Amanda Geller. “Police, Race and the Production of Capital Homicides.” *California Law Review*. Issue 23:3. Fall 2018. [California Law Review](#); Campedelli, Gian. “Homicides involving Black victims are less likely to be cleared in the United States.” *Criminology*. 21 February 2024. [Homicides involving Black victims are less likely to be cleared in the United States - Campedelli - 2024 - Criminology - Wiley Online Library](#)

¹⁶ For instance, LAPD, within its Robbery-Homicide Division has a Cold Case Homicide Unit, consisting of 12 reserve officers supervised by one Detective Supervisor. These units regularly screen cold cases for DNA hits and conduct reanalysis. [Robbery-Homicide Division RHD - LAPD Online](#)

¹⁷ For instance, see Seaside, CA Police Department Policy 601: [Cold-Case-Homicide-Investigations](#)

Another issue raised by the bill is the types of killings to which it applies. The bill defines “murder” as it is defined in Penal Code Section 187, which prohibits “the unlawful killing of a human being, or a fetus, with malice aforethought.” However, the term “homicide,” which the Author often uses in describing the bill, is a more inclusive term encompassing various types of manslaughter (voluntary, involuntary, and vehicular) as well as justified murders.¹⁸ In its current form, this bill does not authorize applications for casefile review or reinvestigation of homicides that are not technically “murders.” Is this the bill’s intent? If not, the Author and Committee may wish to amend the bill to clarify its applicability.

6. Argument in Support

According to Smart Justice:

AB 15 would promote accountability for unsolved murder cases that are languishing. By requiring a review of the casefile (upon request by an immediate family member), this bill would provide a fresh perspective that can identify productive avenues of investigation. In addition to the possibility of investigative leads, this bill provides transparency to family members of the deceased by requiring law enforcement to provide them updates about the case file review and reinvestigation.

7. Argument in Opposition

According to the Los Angeles County Professional Peace Officers Association:

While PPOA supports the intent behind AB 15, requiring agencies to review open homicide cases upon request could overwhelm already stretched investigative units, diverting resources from current and high-priority cases. Law enforcement agencies prioritize solving cases based on solid investigative techniques and available evidence. Requiring reviews outside of professional discretion might force agencies to pursue leads with little or no merit. Moreover, a mandated review does not guarantee that new evidence or leads will emerge. If cases are reviewed without producing results, it could create frustration and distrust among families and communities.

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¹⁸ See Pen. Code, §§ 191.5 – 197.