
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: AB 2274 **Hearing Date:** June 9, 2026
Author: Bains
Version: April 15, 2026
Urgency: No **Fiscal:** Yes
Consultant: AB

Subject: *Crimes: plea deals*

HISTORY

Source: Author

Prior Legislation: AB 124 (Kamlager), Ch. 695, Stats. of 2021
AB 1618 (Jones-Sawyer), Ch. 586, Stats. of 2019
AB 1343 (Thurmond), Ch. 705, Stats. of 2015
AB 267 (Jones-Sawyer), vetoed by the Governor, 2015

Support: Arcadia Police Officers' Association; Brea Police Association; Burbank Police Officers' Association; California Association of School Police Chiefs; California Coalition of School Safety Professionals; California Narcotic Officers' Association; California Police Chiefs Association; California Reserve Peace Officers Association; Claremont Police Officers Association; Corona Police Officers Association; Culver City Police Officers' Association; Fullerton Police Officers' Association; Los Angeles School Police Management Association; Los Angeles School Police Officers Association; Murrieta Police Officers' Association; Newport Beach Police Association; Palos Verdes Police Officers Association; Peace Officers Research Association of California; Placer County Deputy Sheriffs' Association; Pomona Police Officers' Association; Riverside Police Officers Association; Riverside Sheriffs' Association

Opposition: ACLU California Action

Assembly Floor Vote: 69 - 0

PURPOSE

The purpose of this bill is to prohibit, in any prosecution for human trafficking, pimping or pandering, where the victim is a minor, any plea agreement from granting immunity, leniency, anonymity, or nonprosecution to any person other than the defendant, except as specified.

Existing law defines “plea bargaining” as “any bargaining, negotiation, or discussion between a criminal defendant, or their counsel, and a prosecuting attorney or judge, whereby the defendant agrees to plead guilty or nolo contendere, in exchange for any promises, commitments, concessions, assurances, or consideration by the prosecuting attorney or judge relating to any charge against the defendant or to the sentencing of the defendant.” (Pen. Code, § 1192.7, subd. (b).)

Existing law provides that every plea must be made in open court, and may be oral or in writing, shall be entered upon the minutes of the court, and shall be taken down in shorthand by the official reporter if one is present. Requires all pleas of guilty or nolo contendere to misdemeanors or felonies to be oral or in writing. (Pen. Code, § 1017.)

Existing law states that unless otherwise provided by law, every plea shall be entered or withdrawn by the defendant personally in open court. (Pen. Code, § 1018.)

Existing law provides that on application of the defendant at any time before judgment or within six months after an order granting probation is made if entry of judgment is suspended, the court may, and in case of a defendant who appeared without counsel at the time of the plea the court shall, for a good cause shown, permit the plea of guilty to be withdrawn and a plea of not guilty substituted. (*Ibid.*)

Existing law specifies that if the public offense charged is a felony not punishable with death, the magistrate shall immediately upon the appearance of counsel for the defendant read the complaint to the defendant and ask whether they plead guilty or not guilty to the offenses charged and to a previous conviction or convictions if charged. (Pen. Code, § 859a, subd. (a).)

Existing law provides that while the charge remains pending before the magistrate and when the defendant is present, the defendant may plead guilty to the offense charged, or with the consent of the magistrate and the prosecuting attorney, plead nolo contendere to the offense charged, or to any other offense that is necessarily included in the charged offense, or to an attempt to commit the charged offense, or to any previous convictions charged. (*Ibid.*)

Existing law provides that if the defendant subsequently files a written motion to withdraw the plea, the motion shall be heard and determined by the court before which the plea was entered. (*Ibid.*)

Existing law provides that where the plea is accepted by the prosecuting attorney in open court and is approved by the court, the defendant, except as provided, cannot be sentenced on the plea to a punishment more severe than that specified in the plea and the court may not proceed as to the plea other than as specified in the plea. (Pen. Code, § 1192.5.)

Existing law provides that if the court approves of the plea, it shall inform the defendant prior to the making of the plea that (1) its approval is not binding, (2) it may, at the time set for the hearing on the application for probation or pronouncement of judgment, withdraw its approval in the light of further consideration of the matter, and (3) in that case, the defendant shall be permitted to withdraw his or her plea if he or she desires to do so. The court shall also cause an inquiry to be made of the defendant to satisfy itself that the plea is freely and voluntarily made, and that there is a factual basis for the plea. (*Ibid.*)

Existing law provides that in the interest of justice, and in order to reach a just resolution during plea negotiations, the prosecutor shall consider during plea negotiations, among other factors, the specified circumstances as factors in support of a mitigated sentence. (Pen. Code, § 1016.7.)

Existing law provides that a provision of a plea bargain that requires a defendant to generally waive future benefits of legislative enactments, initiatives, appellate decisions, or other changes in the law that may retroactively apply after the date of the plea is void as against public policy. (Pen. Code, § 1016.8.)

Existing law provides that the prosecution shall not negotiate a plea agreement with a defendant in a career criminal prosecution, as defined, where “plea agreement” is defined as “an agreement by the defendant to plead guilty or nolo contendere in exchange for any or all of the following: a dismissal of charges, a reduction in the degree of a charge, a change of a charge to a lesser or different crime, a specific manner or extent of punishment. (Pen. Code, § 999f, subd. (c).)

Existing law states that a person who deprives or violates the personal liberty of another with the intent to commit specified sex crimes including pimping, pandering, or child pornography, is guilty of human trafficking and shall be punished by imprisonment in the state prison for 8, 14, or 20 years and a fine of not more than \$500,000. (Pen. Code, § 236.1, subd. (b).)

Existing law specifies that a person who causes, induces, or persuades, or attempts to cause, induce, or persuade, a person who is a minor at the time of commission of the offense to engage in a commercial sex act, with the intent to commit specified crimes including pimping, pandering, or child pornography, is guilty of human trafficking. Provides that a violation is punishable by imprisonment in the state prison as follows:

- Five, 8, or 12 years and a fine of not more than \$500,000; or,
- Fifteen-years-to-life and a fine of not more than \$500,000 when the offense involves force, fear, fraud, deceit, coercion, violence, duress, menace, or threat of unlawful injury to the victim or to another person. (Pen. Code, § 236.1, subd. (c).)

Existing law provides that who, knowing another person is a prostitute, lives or derives support or maintenance in whole or in part from the earnings or proceeds of the person’s prostitution, or from money loaned or advanced to or charged against that person by any keeper or manager or inmate of a house or other place where prostitution is practiced or allowed, or who solicits or receives compensation for soliciting for the person, is guilty of pimping, a felony, punishable as provided. (Pen. Code, § 266h, subd. (a).)

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Existing law provides that any person who does any of the following is guilty of pandering, a felony, punishable by imprisonment in state prison:

- Procures another person for the purpose of prostitution.
- By promises, threats, violence, or by any device or scheme, causes, induces, persuades, or encourages another person to become a prostitute.
- Procures for another person a place as an inmate in a house of prostitution or as an inmate of any place in which prostitution is encouraged or allowed within this state.

- By promises, threats, violence, or by any device or scheme, causes, induces, persuades, or encourages an inmate of a house of prostitution, or any other place in which prostitution is encouraged or allowed, to remain therein as an inmate.
- By fraud or artifice, or by duress of person or goods, or by abuse of any position of confidence or authority, procures another person for the purpose of prostitution, or to enter any place in which prostitution is encouraged or allowed within this state, or to come into this state or leave this state for the purpose of prostitution.
- Receives or gives, or agrees to receive or give, any money or thing of value for procuring, or attempting to procure, another person for the purpose of prostitution, or to come into this state or leave this state for the purpose of prostitution. (Pen. Code, § 266i)

This bill provides that in any prosecution for human trafficking, pimping or pandering in which the victim was a minor, no plea agreement, nonprosecution agreement, immunity agreement, or other disposition shall grant immunity, leniency, anonymity, or nonprosecution to any person other than the defendant unless that person is specifically named in the written agreement and the agreement is approved by the court after a hearing in which victims are given notice and an opportunity to be heard.

This bill includes related legislative findings and declarations.

COMMENTS

1. Need for This Bill

According to the author:

My ‘Lords of Bakersfield’ legislative package addresses the systemic failures in our criminal justice system highlighted by cases like those involving Jeffrey Epstein and former Kern County Supervisor Zachary Scrivner. For too long, the wealthy, the politically connected, and the powerful have played by a completely different set of rules in our justice system.

We have seen the ways in which legal loopholes have protected monsters like Jeffrey Epstein and his accomplices. These loopholes are allowing sexual abusers to remain anonymous, while victims are left unheard, and justice is not served. All defendants must be held to the same standard regardless of their wealth, their political connections, or their influence.

2. Background – Jeffrey Epstein’s 2008 Sweetheart Deal and 2020 DOJ Investigation

Today, the multifarious and abhorrent crimes of Jeffrey Epstein are well documented and well known to the public, but nearly three decades ago, when the FBI first received a complaint about his possible criminal misconduct, Epstein was a successful financial consultant building relationships with some of the world’s richest and most powerful individuals.¹ Epstein’s criminal

¹ In 1996, Maria Farmer filed a report with the FBI alleging that Epstein had stolen photographs she had taken of her underage siblings, then threatened her. “Jeffrey Epstein survivor ‘redeemed’ by release of her 1996 FBI complaint.”

enterprise started to come to light in March 2005, when the police in Palm Beach, Florida started investigating Epstein after the family of a 14-year-old girl reported that she was molested at his mansion. As more heinous crimes were exposed over the subsequent year, police in Palm Beach built a case against Epstein that resulted in his arrest in July 2006 after a grand jury indicted him on one count of soliciting prostitution. This relatively minor charge in the face of Epstein's alleged sexual misconduct infuriated local leaders, prompting a federal investigation, which resulted in the preparation of a 53-page, 60-count indictment based on evidence involving over 30 underage victims.²

However, despite this overwhelming evidence of wrongdoing, federal prosecutors, led by United States Attorney for the Southern District of Florida Alex Acosta, entered into a secretive (and upon being made public, highly controversial) plea agreement with Epstein in which he would plead guilty to two state-level prostitution charges, register as a sex offender, and serve 18 months in county jail (of which he ultimately served 13 months) with nearly unrestricted daily work release.³ This plea deal also included a non-prosecution agreement that extended immunity from prosecution for federal crimes not only to Epstein but to four named co-conspirators and any unnamed "potential co-conspirators."⁴ This non-prosecution agreement essentially shut down an ongoing FBI probe into whether there were more victims and other perpetrators. As part of the arrangement, Acosta agreed that the deal would be sealed until after it was approved by the judge, keeping it from victims and preventing them from appearing in court to challenge it.⁵ It was this lenient agreement with federal prosecutors that allowed Epstein to quickly return to his life of luxury and resume his sinister criminal enterprises.

After the plea deal became known, victims filed a lawsuit, known as the federal Crime Victims' Rights suit, seeking to invalidate the non-prosecution agreement in hopes of sending Epstein to federal prison. A federal district court judge in West Palm Beach, Florida ruled that the agreement violated the federal Crime Victims' Rights Act, and gave the government and the two victims who sued 15 days to discuss what remedy should apply in the case. This ruling left open the possibility that the plea deal could be nullified, but after Epstein committed suicide in his jail cell in 2019, the federal judge in the Crime Victims' Rights suit ruled that his death rendered moot attempts by victims to invalidate the 2008 nonprosecution agreement.⁶

In 2020, the U.S. Department of Justice (USDOJ) announced it would launch an investigation into whether prosecutors in the U.S. Attorney's Office for the Southern District of Florida improperly resolved a federal investigation into the criminal conduct of Jeffrey Epstein by

USA Today. 21 December 2025. <https://www.usatoday.com/story/news/politics/2025/12/21/fbi-complaint-epstein-child-pornography-1996/87854678007/>

² "A timeline of the Jeffrey Epstein investigation and the fight to make the government's files public." *Associated Press*. 5 February 2026. <https://apnews.com/article/epstein-investigation-files-timeline-aa2455f2b0097753393570aa938757b8>. "For years, Jeffrey Epstein abused teen girls, police say. A timeline of his case." *Miami Herald*. 28 November 2018. <https://www.miamiherald.com/news/local/article221404845.html>

³ "How Jeffrey Epstein Worked the South Florida Legal System." *The New Republic*. 26 February 2026. <https://newrepublic.com/post/207088/how-epstein-plea-deal-happened>

⁴ "In Re: Investigation of Jeffrey Epstein: Non-Prosecution Agreement." Page 5.

<https://www.nationalreview.com/wp-content/uploads/2025/09/Epstein-Acosta-Agreement.pdf>

⁵ "How Jeffrey Epstein sought to infiltrate the justice system." *The Miami Herald*. 20 March 2026. <https://www.miamiherald.com/news/politics-government/article314546750.html>

⁶ "Prosecutors Broke Law in Agreement Not to Prosecute Jeffrey Epstein, Judge Rules." *The New York Times*. 21 February 2019. <https://www.nytimes.com/2019/02/21/us/jeffrey-epstein-judge-prosecution-agreement.html>; "Florida Judge Denies Bid by Epstein Victims to Nullify Non-Prosecution Deal." *The New York Times*. 16 Sept 2019. <https://www.nytimes.com/2019/09/16/us/epstein-ruling-florida.html>

negotiating and executing a federal non-prosecution agreement.⁷ In this investigation, the USDOJ's Office of Professional Responsibility (OPR) considered two distinct sets of allegations. The first relates to the negotiation, execution, and implementation of the non-prosecution agreement (NPA). The second relates to the USAO's interactions with Epstein's victims and adherence to the requirements of the Crime Victims' Rights Act. According to OPR's report:

With respect to all five subjects of OPR's investigation, OPR concludes that the subjects did not commit professional misconduct with respect to the development, negotiation, and approval of the NPA. Under OPR's framework, professional misconduct requires a finding that a subject attorney intentionally or recklessly violated a clear and unambiguous standard governing the conduct at issue. OPR found no clear and unambiguous standard that required Acosta to indict Epstein on federal charges or that prohibited his decision to defer prosecution to the state. Furthermore, none of the individual terms of the NPA violated Department or other applicable standards. [...]

Nevertheless, OPR concludes that Acosta's decision to resolve the federal investigation through the NPA constitutes poor judgment. Although this decision was within the scope of Acosta's broad discretion and OPR does not find that it resulted from improper factors, the NPA was a flawed mechanism for satisfying the federal interest that caused the government to open its investigation of Epstein.[...] OPR concludes that the decision to postpone notifying victims about the terms of the NPA after it was signed and the omission of information about the NPA during victim interviews and conversations with victims' attorneys in 2008 do not constitute professional misconduct. [...]

After examining the full scope and context of the government's interactions with victims, OPR concludes that the government's lack of transparency and its inconsistent messages led to victims feeling confused and ill-treated by the government; gave victims and the public the misimpression that the government had colluded with Epstein's counsel to keep the NPA secret from the victims; and undercut public confidence in the legitimacy of the resulting agreement. The overall result of the subjects' anomalous handling of this case understandably left many victims feeling ignored and frustrated and resulted in extensive public criticism. In sum, OPR concludes that the victims were not treated with the forthrightness and sensitivity expected by the Department.⁸

3. Effect of This Bill

California law defines "plea bargaining" as any bargaining, negotiation, or discussion between a criminal defendant, or their counsel, and a prosecuting attorney or judge, whereby the defendant agrees to plead guilty or nolo contendere, in exchange for any promises, commitments, concessions, assurances, or consideration by the prosecuting attorney or judge relating to any charge against the defendant or to the sentencing of the defendant.⁹ When the parties agree on a

⁷ "Investigation into the U.S. Attorney's Office for the Southern District of Florida's Resolution of Its 2006–2008 Federal Criminal Investigation of Jeffrey Epstein and Its Interactions with Victims during the Investigation." *United States Department of Justice Office of Professional Responsibility*. <https://www.justice.gov/opr/page/file/1336471/dl>

⁸ *Id.* at pp. ix-xi.

⁹ Pen. Code, § 1192.7, subd. (b).

plea deal, that plea must be made in open court and may be oral or in writing.¹⁰ When the plea is accepted by the prosecutor in open court and is approved by the judge, the defendant is barred from being sentenced more severely than specified in the plea and the court may not proceed on the plea other than specified therein. Moreover, when the court approves of a plea deal, the judge must inform the defendant prior to the making of the plea that its approval is not binding and may be withdrawn, in which case the defendant is entitled to withdraw from the agreement. The court is also required to ensure that the plea is voluntarily and freely made, and that there is a factual basis for the plea.¹¹

This bill includes several legislative findings and declarations, including an assertion that “California must ensure that no prosecutor can ever again offer, and no court can ever again approve, an “Epstein loophole” in cases involving the commercial sexual exploitation or sexual abuse of minors,” and that while “existing California law already imposes severe penalties for these crimes [...] prosecutors retain excessive discretion to down-charge, offer blanket immunity to uncharged accomplices, or agree to dispositions that result in little or no prison time.” Accordingly, this bill prohibits, in prosecutions of human trafficking, pimping or pandering in which the victim was a minor, any plea agreement, non-prosecution agreement, immunity agreement, or other disposition from granting immunity, leniency, anonymity, or non-prosecution to any person other than the defendant unless that person is specifically named in the written agreement and the agreement is approved by the court after a hearing in which victims are given notice and an opportunity to be heard.

4. Argument in Support

According to the Peace Officers Research Association of California:

AB 2274 strengthens accountability in cases involving the exploitation of minors by ensuring transparency in plea agreements and establishing appropriate consequences for those convicted of pimping or pandering involving a minor. By requiring court approval and victim notification for certain agreements, the bill helps ensure that victims are given a voice in the process. Additionally, the bill establishes a clear baseline for sentencing, while preserving judicial discretion in extraordinary circumstances. These provisions reinforce the seriousness of crimes involving the exploitation of children and support consistent, meaningful outcomes. PORAC supports efforts that enhance protections for minors and improve accountability for those who exploit them. AB 2274 advances these goals and strengthens the integrity of the justice system.

5. Argument in Opposition

According to ACLU California Action:

While the protection of minors and accountability for those who exploit them are critically important goals, this bill adopts rigid measures that undermine fundamental principles of fairness, due process, and individualized justice. By limiting the ability of prosecutors and courts to resolve cases through negotiated dispositions, AB 2274 removes essential tools that are routinely used to secure

¹⁰ Pen. Code, §§ 1017-1018

¹¹ Pen. Code, § 1192.5, subs. (b), (c).

cooperation, hold higher-level offenders accountable, and reach appropriate case-specific outcomes. The proposed restrictions in this bill may have the unintended consequence of making it more difficult — not easier — to effectively prosecute complex, multi-defendant cases.

AB 2274 is a misguided response to one sensational case. The bill's provisions create a system that is less flexible, less equitable, and less responsive to the individualized circumstances of each case. This high-profile case is being used to justify a rigid state-level policy that will restrict leniency and dramatically increase the filing of formal criminal charges in California. We oppose all legislative efforts that deepen dependence on carceral responses over tailored, individualized justice.

-- END --