
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguin, Chair
2025 - 2026 Regular

Bill No: AB 2147 **Hearing Date:** June 16, 2026
Author: Schiavo
Version: February 18, 2026
Urgency: No **Fiscal:** No
Consultant: SJ

Subject: *Criminal procedure: jurisdiction of public offenses*

HISTORY

Source: California District Attorneys Association

Prior Legislation: AB 1779 (Irwin), Ch. 165, Stats. of 2024
AB 1613 (Irwin), Ch. 949, Stats. of 2022
AB 368 (Muratsuchi), Ch. 379, Stats. of 2017
SB 939 (Block), Ch. 246, Stats. of 2014
AB 2252 (Cohn), Ch. 194, Stats. of 2002
AB 2734 (Pacheco), Ch. 302, Stats. of 1998

Support: California State Sheriffs' Association; Riverside County District Attorney

Opposition: None known

Assembly Floor Vote: 68 - 0

PURPOSE

The purpose of this bill is to authorize multiple charges of sexual battery, indecent exposure, and annoying or molesting a child that occur in more than one county to be prosecuted in the same case in any county where at least one of the offenses occurred.

Existing law provides that, except as otherwise provided by law, the jurisdiction of every public offense is in any competent court within the jurisdictional territory of which it is committed. (Pen. Code, § 777.)

Existing law provides that when a public offense is committed in part in one jurisdictional territory and in part in another, or the acts constituting or requisite to committing the offense occur in more than one territorial jurisdiction, the jurisdiction of the offense is in any competent court within either jurisdiction. (Pen. Code, § 781.)

Existing law permits consolidation of different offenses which do not relate to the same transaction or event where there is common element of substantial importance in their commission, such as the same class of crimes. (Pen. Code, § 954.)

Existing law allows property crimes occurring in one jurisdictional territory if property is taken to another jurisdictional territory and an arrest is made there, to be prosecuted in either jurisdiction. (Pen. Code, § 786.)

Existing law provides that the jurisdiction of a criminal action brought by the Attorney General for theft, as defined, or for receiving stolen property, as well as all associated offenses connected in their commission of the underlying theft, includes the county where an offense involving the theft or receipt of the stolen merchandise occurred, the county in which the merchandise was recovered, or the county where any act was done by the defendant. (Pen. Code, § 786.5.)

Existing law provides that if one or more violations of specified sex offenses occurs in more than one jurisdictional territory, the jurisdiction of any of those offenses, and for any offenses properly joinable with that offense, is in any jurisdiction where at least one of the offenses occurred, subject to the following conditions:

- Consolidation of the cases is subject to a joinder hearing, within the jurisdiction of the proposed trial court;
- The prosecution presents written evidence that all district attorneys in counties with jurisdiction of the offenses agree to the venue; and,
- Charged offenses from jurisdictions in which there is no written agreement from the district attorney must be returned to that county. (Pen. Code, § 784.7, subd. (a).)

Existing law provides that if any domestic violence-related offense, as defined, occurs in more than one jurisdiction, and the defendant and the victim are the same for all the offenses, the jurisdiction of any of the offenses and for any offenses properly joinable with that offense is the jurisdiction where at least one of the offenses occurred, subject to the following conditions:

- Consolidation of the cases is subject to a joinder hearing, within the jurisdiction of the proposed trial court.
- The prosecution presents written evidence that all district attorneys in counties with jurisdiction of the offenses agree to the venue.
- Charged offenses from jurisdictions in which there is no written agreement from the district attorney must be returned to that county. (Pen. Code, § 784.7, subd. (b).)

Existing law provides that if one or more specified human trafficking, pimping, and pandering offenses occurs in more than one jurisdictional territory, the jurisdiction of any of those offenses, and for any offenses properly joinable with that offense, is in any jurisdiction where at least one of the offenses occurred, subject to the following conditions:

- Consolidation of the cases is subject to a joinder hearing, within the jurisdiction of the proposed trial court.
- The prosecution presents written evidence that all district attorneys in counties with jurisdiction of the offenses agree to the venue.
- Charged offenses from jurisdictions in which there is no written agreement from the district attorney must be returned to that county.
- The court must consider the location and complexity of the likely evidence, where the majority of the offenses occurred, the rights of the defendant and the people, and the convenience of, or hardship to the victim or victims and witnesses. (Pen. Code, § 784.7, subd. (c).)

Existing law provides that any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. (Pen. Code, 243.4, subd. (a).)

Existing law punishes sexual battery by a term of imprisonment in a county jail for not more than once year and a fine not exceeding \$2,000, or by imprisonment in state prison for two, three, or four years and a fine not exceeding \$10,000. (*Ibid.*)

Existing law provides that any person who willfully and lewdly, does either of the following, is guilty of a misdemeanor punishable by up to six months in the county jail:

- Exposes his person, or the private parts thereof, in any public place, or in any place where there are present other persons to be offended or annoyed thereby; or,
- Procures, counsels, or assists any person so to expose himself or take part in any model artist exhibition, or to make any other exhibition of himself to public view, or the view of any number of persons, such as is offensive to decency, or is adapted to excite to vicious or lewd thoughts or acts. (Pen. Code, § 314.)

Existing law provides that upon the second or subsequent conviction of indecent exposure, or upon a first conviction if the defendant was previously convicted of lewd and lascivious acts on a child under 14, a person is guilty of a felony, punishable by imprisonment in state prison for a period of 16 months, two, or three years. (*Ibid.*)

Existing law mandates that any person who annoys or molests, as defined, any child under 18 years of age be punished by a fine not exceeding \$5,000, by imprisonment in a county jail not exceeding one year, or by both. (Pen. Code, § 647.6, subd. (a)(1).)

Existing law provides that any person who, motivated by an unnatural or abnormal sexual interest in children, engages in conduct with an adult whom they believe to be a child under 18 years of age, which conduct, if directed toward a child under 18 years of age, would constitute annoying or molesting a child, shall be punished by a fine of \$5,000, by imprisonment in a county jail for up to one year, or by both that fine and imprisonment. (Pen. Code, § 647.6, subd. (a)(2).)

This bill authorizes multiple charges of sexual battery, indecent exposure, and annoying or molesting a child that occurs in more than one county to be prosecuted in the same case in any county where at least one of the offenses occurred.

COMMENTS

1. Need For This Bill

According to the author:

When perpetrators of sexual battery, indecent exposure, and child molestation commit crimes across county lines, victims are often asked to take the stand and testify multiple times to establish a pattern of crime. Having to face their abuser and relive their experiences in each county can lead to re-traumatization. AB 2147

would allow counties to agree to try sexual battery, indecent exposure, and child molestation offenses committed across county lines in a single county. By allowing these cases to be tried in any jurisdiction where at least one offense occurred, courts can reduce what is being asked of victims, alleviate significant delays to justice, and can better manage complex multi-jurisdiction cases.

2. Jurisdiction for Criminal Offenses

Territorial jurisdiction for a criminal offense is generally proper in any competent court within the jurisdictional territory where it was committed. In other words, criminal charges must normally be brought in the county where the crime is alleged to have happened. The Legislature has created several exceptions to this general rule. For example, felony sex offenses and human trafficking offenses that occur in multiple counties can be consolidated into a single trial and tried in a single county. (Pen. Code, § 784.7.) When the Legislature passes these kind of special jurisdictional rules, they are construed liberally. (*Price v. Superior Court (People)* (2001) 25 Cal.4th 1046, 1055.)

3. Consolidation

An accusatory pleading may charge two or more different offenses connected in their commission, or different statements of the same offense or two or more different offenses of the same class of crimes or offenses, under separate counts, or if two or more accusatory pleadings are filed in different cases, but in the same court, the court may order them to be consolidated. (Pen. Code, § 954.) As it pertains to different crimes charged in the same county, Penal Code section 954 limits consolidation, by granting a trial court, in the interests of justice and for good cause shown, to order the different offenses or counts in the accusatory pleading be tried separately or divided into two or more groups and each of said group tried separately. (See *Belton v. Superior Court (People)* (1993) 19 Cal.App.4th 1279, 1281.)

Several statutes allow for offenses involving one defendant, the same class of offenses, and multiple victims. (See Pen. Code, §§ 784.5, 784.7, 785, 786, 786.5.) There are also offenses that authorize consolidation of out-of-state crimes related to terrorism, receipt of stolen property, and treason. (See Pen. Code, §§ 787, 788, 789.) Offenses that may be consolidated in one county when there are multiple victims across multiple jurisdictions include sexual assault, kidnapping, burglary, and assault with intent to commit a specified sex offense, homicide, certain thefts, robbery, identity theft, incest, and revenge porn, among others. Consolidation based on specified offenses against a single defendant across multiple jurisdictions requires the district attorneys in each county to agree to try all counts in one identified county.

AB 1779 (Irwin), Chapter 165, Statutes of 2024, expanded consolidation options for theft, including petty theft and shoplifting, as well as receipt of stolen property. (Pen. Code, § 786.5, subds. (a) & b).) It also expanded the ability of county district attorneys to consolidate specified theft crimes. Penal Code section 786 allows a district attorney to seek consolidation for theft generally to include where the property was stolen and where the property ended up, as well as any contiguous county if the arrest is made in a contiguous county. However, that provision requires a defendant's knowing waiver of venue. (Pen. Code, § 786, subd. (a).)

The benefits of consolidation include judicial economy and convenience to victims and witnesses who may have to testify in multiple trials. The drawbacks can include the potential prejudicial impact on the defendant because jurors may feel compelled to convict based on the number of

instances or victims, rather than the strength of the prosecution's case. Convenience to some victims and witnesses may also come at the cost of inconvenience to others who live outside of the jurisdiction where the trial is held, which could include law enforcement officers from different counties that investigated each crime. Although consolidation may avoid multiple short trials, the single consolidated trial could be much longer. Additionally, not all of the individual cases may have gone to trial due to weakness in evidence or lack of prosecutorial resources, but when all of the cases are consolidated into one trial, there is a greater likelihood that a charge with weak evidence can still result in a conviction because it is strengthened by the aggregate evidence in the other charges leading to a different outcome than would have occurred if the charge was tried separately.

4. Vicinage and Due Process

Vicinage means the right to trial by a jury drawn from residents of the area where the offense was committed. However, vicinage is not a "necessary feature" of the due process right to a jury trial. (See *Price, supra*, p. 1065.) Venue and vicinage are closely related, as a jury pool is usually selected from the area in which the trial is to be held. Vicinage is not a necessary feature to the right of a jury trial as guaranteed by the Sixth Amendment to the U.S. Constitution because it "does not serve the purpose of protecting a criminal defendant from government oppression and is not necessary to ensure a fair trial." (*Price, supra*, pp. 1065-1069.)

As explained above, venue is generally proper in the county where the crime occurred, and existing law also includes several exceptions to the venue provision where multiple crimes from different counties may be tried in one county if it involves the same defendant or the same class of crimes. However, while the U.S. Constitution does not require a jury drawn from of a defendant's community to be fair, the Legislature's power to designate the place for trial of a criminal offense is limited by the requirement that there be a reasonable relationship or nexus between the place designated for trial and the commission of the offense. (*Price, supra*, at 1075, citing *Martin v. Beto* (5th Cir. 1968) 397 F.2d 741, 748.) If this were not the case, prosecutors could pick any county most likely to yield a conviction without reference to where the crime occurred. As noted above, the purpose of consolidation is judicial economy—to avoid victims and witnesses from testifying multiple times—not for prosecutorial convenience or success.

5. Effect of This Bill

This bill adds masturbating in public, annoying or molesting a child, and sexual battery to the crimes enumerated in Penal Code section 784.7 which may be consolidated in any county where one of the offenses occurred subject to a joinder hearing.

6. Argument in Support

The California District Attorneys Association writes:

Assembly Bill 2147 ... amend[s] Section 784.7 ... allowing cases involving multiple violations of sexual battery, indecent exposure, or annoying/molesting a child to be tried in any jurisdiction where at least one offense occurred, thereby protecting victims, fostering judicial economy, and removing unnecessary obstacles to justice.

Today, jurisdiction for certain sex offenses is constricted by county, even when the same defendant commits the same type of offenses against multiple victims across county lines. Prosecutors must prosecute related cases into separate proceedings, forcing vulnerable victims and witnesses to appear multiple times, driving up costs, and most significantly, delaying justice.

Perpetrators of sexual battery (PC 243.4), indecent exposure (PC 314), and annoying/molesting a child (PC 647.6) often prey on multiple victims across county lines. In one case, a law enforcement defendant had a pattern of driving to various schools and masturbating to children in the parking lot. In all, he spent months victimizing unsuspecting students at over two-dozen schools across two counties. He was charged with multiple violations of indecent exposure and annoying/molesting a child for some of the conduct that occurred in one county; however, the other county would be responsible for prosecuting the offenses in their own county. Although the various offenses in both counties would generally be admissible in each county per Evidence Code section 1108, this would require young, vulnerable victims to testify multiple times in each county and would not allow for protective orders to be ordered and enforced at schools in question.

AB 2147 would remove these obstacles to justice, permitting trial in any county where at least one offense occurred. This change will streamline multi-jurisdiction prosecutions and minimize the number of times vulnerable victims must relive traumatic experiences in court.

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