
THIRD READING

Bill No: AB 15
Author: Gipson (D), et al.
Amended: 7/16/25 in Senate
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 5-0, 7/15/25
AYES: Arreguín, Caballero, Gonzalez, Pérez, Wiener
NO VOTE RECORDED: Seyarto

SENATE APPROPRIATIONS COMMITTEE: 5-0, 8/29/25
AYES: Caballero, Cabaldon, Grayson, Richardson, Wahab
NO VOTE RECORDED: Seyarto, Dahle

ASSEMBLY FLOOR: 70-2, 6/3/25 - See last page for vote

SUBJECT: Open unsolved homicide: review and reinvestigation

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

DIGEST: This bill requires a law enforcement agency to review the casefile regarding an open unsolved homicide, as defined, upon written application by certain persons to determine if a reinvestigation would result in probative investigative leads, as specified.

ANALYSIS:

Existing law:

- 1) 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. (California Constitution (Cal. Const.) Art.1, Sec.28.)

- 2) 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. (Government (Gov.) Code, § 7920.000 et seq.)
- 3) 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.)
- 4) 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).)
- 5) 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. (Penal (Pen.) Code, § 679.07, subd. (a).)
- 6) 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).)
- 7) 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.)
- 8) Defines murder as the unlawful killing of a human being, or a fetus, with malice aforethought. (Pen. Code, § 187, subd. (a).)

- 9) Sets forth the types of murder that constitute murder in the first degree, and specifies that all other types of murder are murder in the second degree. (Pen. Code, § 189, subds. (a), (b).)
- 10) Defines the crimes of gross vehicular manslaughter while intoxicated and vehicular manslaughter while intoxicated, and prescribes penalties for those crimes. (Pen. Code, § 191.5.)
- 11) Defines the crimes of voluntary, involuntary and vehicular manslaughter. (Pen. Code, §§ 192, 192.5.)

This bill:

- 1) Defines several terms used therein, as follows:
 - a) “Agency” means a law enforcement entity in California.
 - b) “Applicable agency” means a law enforcement agency that is investigating or has investigated the homicide of the victim.
 - c) “Designated person” means an immediate family member or their designated legal representative, who is a member in good standing with the State Bar of California.
 - d) “Immediate family member” means a parent, parent-in-law, legal guardian, grandparent, grandparent-in-law, sibling, spouse, domestic partner, child, or stepchild of a homicide victim or any person who exercised in loco parentis control over a victim under 18 years of age.
 - e) “Homicide” means a killing that meets the definition of murder or manslaughter under existing law.
 - f) “Victim” means the person against whom an open unsolved homicide was committed.
 - g) “Open unsolved homicide” means a homicide that meets all of the following requirements:
 - i. The homicide was committed more than three years prior to the date of the application for a case review by a designated person.
 - ii. The homicide was previously investigated by the applicable agency.
 - iii. All probative investigative leads have been exhausted.

- iv. No suspect has been identified.
 - v. The homicide was committed after January 1, 1990.
- 2) Requires an applicable agency to review the case file regarding an open unsolved homicide upon written application by a designated person to determine if a reinvestigation would result in probative investigative leads.
 - 3) Specifies that the case file review may include, but is not limited to, all of the following:
 - a) An analysis of the investigative steps or follow-up steps that may have been missed in the initial investigation.
 - b) An assessment of whether witnesses should be interviewed or reinterviewed.
 - c) 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.
 - d) 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.
 - 4) Provides that the applicable agency shall confirm receipt of a request to review an open unsolved homicide in writing and provide notice of the applicant's rights.
 - 5) Specifies that only one case file review shall be undertaken at any one time with respect to the same open unsolved homicide 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.
 - 6) 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.
 - 7) 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.

- 8) 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.
- 9) Requires the agency to conduct a reinvestigation of the open unsolved homicide at issue if the review of the casefile determines that a reinvestigation of the open unsolved homicide would result in probative investigative leads.
- 10) Provides that a reinvestigation may include analyzing all evidence regarding the open unsolved homicide at issue for the purpose of developing probative investigative leads as to the suspect or suspects.
- 11) 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.
- 12) 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.
- 13) 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.
- 14) 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.
- 15) 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

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.” 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.

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

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. 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 homicide case file to determine if a reinvestigation would result in probative investigative leads. If the agency makes such a determination, this bill requires the agency to conduct a reinvestigation. Agencies conducting a review under this bill have 120 days to determine if a reinvestigation is necessary, but may extend that time limit by 60 days under specified conditions. Additionally, this bill provides that only one case file review shall be undertaken at any one time with respect to the same open unsolved homicide 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.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Appropriations Committee:

- Unknown, potentially significant reimbursable costs (local funds, General Fund) to state and local law enforcement agencies, possibly in the millions to tens of millions of dollars annually, to conduct the required case file reviews, reinvestigations, communications with requesting parties, and other duties required by this bill. Actual workload will depend on the number of open cases that meet the criteria for review, the number of requests for reinvestigation, and the amount of time needed to handle each request. For illustration, if 50 law enforcement agencies statewide must each hire an additional peace officer due to increased workload, at an average annual salary of \$100,000, total annual costs would be about \$5 million. Agencies may incur additional costs in processing and testing evidence during reinvestigations. General Fund costs will depend on whether the duties imposed by this bill constitute a reimbursable state mandate, as determined by the Commission on State Mandates.

SUPPORT: (Verified 8/29/25)

Everytown for Gun Safety (co-source)
Moms Demand Action (co-source)

Students Demand Action (co-source)
Youth Alive! (co-source)
San Diegans for Gun Violence Prevention
Smart Justice California

OPPOSITION: (Verified 8/29/25)

California State Sheriff's Association
Los Angeles County Sheriff's Department
Los Angeles Professional Peace Officers Association
Peace Officers Research Association of California

ASSEMBLY FLOOR: 70-2, 6/3/25

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Caloza, Carrillo, Connolly, Davies, DeMaio, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Haney, Harabedian, Hart, Hoover, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NOES: Dixon, Irwin

NO VOTE RECORDED: Calderon, Castillo, Chen, Hadwick, Macedo, Michelle Rodriguez, Tangipa

Prepared by: Alex Barnett / PUB. S. /
8/29/25 20:24:08

**** **END** ****