

CONCURRENCE IN SENATE AMENDMENTS

AB 15 (Gipson)

As Amended July 16, 2025

Majority vote

**SUMMARY**

Requires a law enforcement agency ("LEA"), as specified, to perform a review of any open homicide investigation case file, upon written application by a designated person, as defined, to determine if reinvestigation would result in probative investigative leads.

**Senate Amendments**

- 1) Changes the term "murder" to "homicide," and defines homicide as first and second degree homicide and voluntary, involuntary, and vehicular manslaughter.
- 2) Makes other technical, non-substantive changes.

**COMMENTS**

*As Passed by the Assembly:* This bill requires a law enforcement agency ("LEA"), as specified, to perform a review of any open homicide investigation case file, upon written application by a designated person, as defined, to determine if reinvestigation would result in probative investigative leads.

*Major Provisions*

- 1) Required any LEA must review an open unsolved homicide case file to determine if a reinvestigation would result in probative investigative leads, when requested pursuant to a written application by a designated person, as specified.
- 2) Authorized a LEA case file review to include 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 re-interviewed;
  - 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; and
  - d) An update of the case file to bring it up to current investigative standards to the extent doing so would help develop probative leads.
- 3) Required the applicable LEA to confirm receipt of a request to perform a case review and provide the applicant notice of their rights.
- 4) Stated that only one case review may be undertaken at any one time with respect to the same open unsolved homicide victim.

- 5) Mandated if more than one investigative agency is involved in a homicide investigation, each investigative agency shall coordinates its case file review such that there is only one case file review at a time.
- 6) Stated no later than 120 days after the receipt of the written application for a case review, the applicant agency is required to conclude its case file review and reach a conclusion whether reinvestigation is warranted.
- 7) Provided that a LEA may extend the 120 day time limit for a period not to exceed 60 days if the LEA makes a finding that the number of case files to be reviewed makes it impracticable to comply with said limits without unreasonably taking resources from other law enforcement activities.
- 8) Stated for cases wherein the 120-day time limit is extended, the LEA shall provide notice and an extension of its reasoning to the designated person who filed the written application.
- 9) Mandated each LEA develop a written application for a designated person to request a case file for review.
- 10) Required each agency to assign a person or a department responsible for receiving and processing applications for case file reviews and ensuring that the agency meets all deadlines and obligations generated by the application receipt.
- 11) Required any LEA to conduct a reinvestigation of the open unsolved homicide at issue if the review of the case file determines a reinvestigation of an open unsolved homicide would result in probative investigative leads.
- 12) Provided 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.
- 13) Required each LEA, if there is more than LEA, to coordinate its reinvestigation such that there is only one reinvestigation occurring at a time.
- 14) Stated the applicable agency shall provide the designated person who filed the written application with periodic updates during the case file review and reinvestigation.
- 15) Required the applicable agency to provide the designated person who filed the written application a written statement of the LEA's decision on whether or not to engage in a reinvestigation at the conclusion of the case review. The LEA may meet with the designated person to explain the LEA's decision.
- 16) Stated if a case file is completed and the conclusion is not to conduct a re-investigation, no additional case file review shall be undertaken for a period of five years, unless there is newly discovered, materially significant evidence.
- 17) Provided that an LEA is not required 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.

- 18) Provided that a LEA may continue an investigation absent a designated person's application for a new case file review.
- 19) Stated 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.
- 20) Defined the following terms:
- a) "Agency" means any LEA in California.
  - b) "Applicable Agency" means any LEA that is investigating or has investigated the homicide of the victim.
  - c) "Designated person" means any immediate family member or similarly situated person, or their designed 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, child, or stepchild of a homicide victim or any person who exercised in loco parentis over a victim under 18 years of age.
  - e) "Homicide" is defined as any violation of Penal Code sections 187, 189, 191.5, 192, or 192.5.
  - f) "Open unsolved homicide" means a homicide that meets 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, as specified.
    - ii. The homicide was previously investigated by the applicable LEA.
    - iii. All probative investigative leads have been exhausted.
    - iv. No suspect has been identified;
    - v. The homicide was committed after January 1, 1990.
  - g) "Victim" means the person against whom an open homicide was committed.

#### **According to the Author**

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.

"Homicides involving firearms are 22.1% less likely to be solved than homicides with other weapons.<sup>1</sup> A 10% increase in the proportion of firearm homicides decreases the clearance rate by 2.3%.<sup>2</sup> When the victim of gun violence is Black, the case is less likely to be cleared. Statistics vary slightly on the exact amount:

Fagan and Geller: Homicides with Black victims are 23.2% less likely to be cleared<sup>3</sup>

DeCarlo: Homicides with Black victims are 14.5% less likely to be cleared<sup>4</sup>

Korosec: Homicides with Black victims are 21.1% less likely to be cleared.<sup>5</sup>

"According to Cal DOJ's OpenJustice 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. While communication touchpoints and transparency may be routine in some jurisdictions, there is no assurance they will occur in areas where there is mistrust between law enforcement and the community. This bill seeks to improve inequities in case clearance rates and the experiences of grieving families."

### Arguments in Support

According to *Youth ALIVE*, "Too many families in California have lost their loved ones to homicide. Far too many wait year after year never getting answers, even though having closure is incredibly important for healing and breaking cycles of violence. Family members of homicide

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<sup>1</sup> Lauren Korosec, "The Changing Nature of Homicide and Its Impact on Homicide Clearance Rates: A Quantitative Analysis of Two Trends From 1984-2009," Electronic Thesis and Dissertation Repository, April 4, 2012, <https://ir.lib.uwo.ca/etd/422>.

<sup>2</sup> Graham C. Ousey and Matthew R. Lee, "To Know the Unknown: The Decline in Homicide Clearance Rates, 1980—2000," *Criminal Justice Review* 35, no. 2 (June 1, 2010): 141–58, <https://doi.org/10.1177/0734016809348360>.

<sup>3</sup> Jeffrey Fagan and Amanda Geller, "Police, Race, and the Production of Capital Homicides," *Berkeley Journal of Criminal Law* 23, no. 3 (2018): 261–313.

<sup>4</sup> Alonzo DeCarlo, "A Reason for Reasonable Doubt in Social Justice: The Weight of Poverty, Race and Gender in Lopsided Homicide Case Clearances Outcomes," *Contemporary Social Science* 11, no. 4 (October 1, 2016): 362–72, <https://doi.org/10.1080/21582041.2014.997275>.

<sup>5</sup> Lauren Korosec, "The Changing Nature of Homicide and Its Impact on Homicide Clearance Rates: A Quantitative Analysis of Two Trends From 1984-2009," Electronic Thesis and Dissertation Repository, April 4, 2012, <https://ir.lib.uwo.ca/etd/422>. See also: <https://www.theguardian.com/us-news/2024/feb/21/black-homicide-clearance-rate-lower-than-white>

victims should have the right to request that law enforcement conduct an unsolved homicide case file review to determine whether a full reinvestigation could result in new leads.

"Under AB 15, a law enforcement agency would be required to review an unsolved homicide case file when they receive a request from an immediate family member of a homicide victim. The case file review will be conducted by a different person than the original investigator to bring a "fresh set of eyes" to the case. If the case reviewer decides that reinvestigation of the case would result in probative new leads, the law enforcement agency must conduct that reinvestigation. Importantly, the bill also requires updates to the families. Facing barriers to getting basic information about the status of a loved one's case compounds grief and sorrow.

"With the procedures in AB 15, law enforcement can instead be part of victims' families' path towards healing and these procedures will improve trust between law enforcement and the communities they serve. The bill is largely based on the bipartisan federal Homicide Victims' Families' Rights Act, which President Biden signed into law in 2022. As the federal law only applies to homicides investigated by federal agencies, we need a state law to extend these rights to grieving families in California."

### **Arguments in Opposition**

According to the *California State Sheriffs' Association*, "We certainly appreciate the desire to solve cold cases, especially unsolved homicides. That said, this bill creates a rigid process in statute with little room for flexibility to address the particular realities of any specific case or investigating agency. Specifically, the bill triggers what would effectively be an automatic review if an immediate family member or a "similarly situated person" files an application. Notwithstanding the lack of clarity around the term "similarly situated person," the bill effectively moves this case review to the front of the line, without regard to available staff and fiscal resources and other law enforcement priorities, and requires that it be completed within 90 days, with the possibility of only a single 45-day extension. Further, designated persons could ask for this type of case review every five years, thereby compounding the challenges this bill creates.

"It is also worth noting a particular feature of the case review; specifically, the bill provides that the person or persons performing the case file review required by this bill shall not have previously investigated the homicide. This will be exceedingly problematic for small agencies who may not have multiple staff members who could complete such a review and for larger agencies who may have more staff resources, but when all relevant staff members participated in the original investigation."

### **FISCAL COMMENTS**

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."

## VOTES:

### ASM PUBLIC SAFETY: 9-0-0

**YES:** Schultz, Alanis, Mark González, Haney, Harabedian, Lackey, Nguyen, Ramos, Sharp-Collins

### ASM APPROPRIATIONS: 11-1-3

**YES:** Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache

**NO:** Dixon

**ABS, ABST OR NV:** Sanchez, Ta, Tangipa

### ASSEMBLY FLOOR: 70-2-7

**YES:** 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

**NO:** Dixon, Irwin

**ABS, ABST OR NV:** Calderon, Castillo, Chen, Hadwick, Macedo, Michelle Rodriguez, Tangipa

### SENATE FLOOR: 30-0-10

**YES:** Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Cortese, Durazo, Gonzalez, Grayson, Hurtado, Laird, Limón, McGuire, McNerney, Menjivar, Padilla, Pérez, Reyes, Richardson, Rubio, Smallwood-Cuevas, Umberg, Valladares, Wahab, Weber Pierson, Wiener

**ABS, ABST OR NV:** Alvarado-Gil, Choi, Dahle, Grove, Jones, Niello, Ochoa Bogh, Seyarto, Stern, Strickland

## UPDATED

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