Date of Hearing: March 3, 2026
Counsel: Kimberly Horiuchi

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Nick Schultz, Chair

AB 1583 (Rogers) – As Introduced January 13, 2026

SUMMARY: Authorizes multiple charges of wage theft or labor trafficking to be consolidated and prosecuted in any county in which the victim resided at the time of the wage theft or labor trafficking, any county in which the victim was present at the time the employment contract was entered into, any county in which any portion of the work was performed, or any county in which the business or any of its locations was situated at the time of the wage theft or labor trafficking. Specifically, **this bill**:

1) States if multiple offenses of wage theft or labor trafficking involving the same defendant or defendants occur in multiple jurisdictions, then any of those jurisdictions are a proper jurisdiction for all of the offenses, subject to a consolidation hearing in the jurisdiction of the proposed trial.

2) Requires the prosecution, at the consolidation hearing, to present written evidence that all district attorneys in counties with jurisdiction over the offenses agree to the venue.

3) Mandates that any charged offenses from jurisdictions where there is not a written agreement from the district attorney must be returned to that jurisdiction.

4) States jurisdiction also extends to all associated offenses connected together in their commission to the underlying wage theft or labor trafficking offenses.

EXISTING LAW:

1) States 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.)

2) States 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.)

3) 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.)

4) 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.)

5) 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, shall also include 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.)

6) 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:

   a) Consolidation of the cases is subject to a joinder hearing, within the jurisdiction of the proposed trial court;

   b) The prosecution presents written evidence that all district attorneys in counties with jurisdiction of the offenses agree to the venue; and,

   c) 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).)

7) Provides that if any domestic violence crime, 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:

   a) Consolidation of the cases is subject to a joinder hearing, within the jurisdiction of the proposed trial court.

   b) The prosecution presents written evidence that all district attorneys in counties with jurisdiction of the offenses agree to the venue.

   c) 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).)

8) 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:

   a) Consolidation of the cases is subject to a joinder hearing, within the jurisdiction of the proposed trial court.

   b) The prosecution presents written evidence that all district attorneys in counties with jurisdiction of the offenses agree to the venue.

c) Charged offenses from jurisdictions in which there is no written agreement from the district attorney must be returned to that county.

d) 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).)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "AB 1583 seeks to combat uncertainty surrounding the jurisdiction for prosecution of wage theft and labor trafficking crimes by establishing proper jurisdictions for the prosecution of said crimes.

   "Wage theft and labor trafficking are issues that plague many workers, but especially the most vulnerable in the United States. These workers include farmworkers, hourly workers in the service industry (like restaurants), online workers and generally anyone who has uncertain work hours and pay. These workers often face intense labor for little pay, and any type of wage theft/labor trafficking crime they fall victim too may be potentially devastating to their income.

   "When workers face situations where their manager/employer lives/works in a location separate from the one where they reside, it can create issues with establishing the jurisdiction where the crime is prosecuted. On top of financial devastation, workers who have been affected by these crimes may also face uncertainty in determining the jurisdiction where the crime may be prosecuted. AB 1583 makes it easier for victims to seek justice in a venue that is convenient for them and for the investigating agencies."

2) **Wage Theft:** Failure to pay wages is generally enforced by the Department of Industrial Relations, Division of Labor Standards Enforcement.[1] Wage theft was specifically criminalized as grand theft in 2022. Penal Code section 487m states:

   > Notwithstanding [specific provisions] of the Labor Code, the intentional theft of wages in an amount greater than $950 from any one employee, or $2,350 in the aggregate from two or more employees, by an employer in any consecutive 12-month period may be punished as grand theft. (Pen. Code, § 487m, subd. (a).)

   Wage theft, as a criminal offense, is another way of charging grand theft, but without the requirement that each victim suffer a loss greater than $950 each. Wage theft in the form of failure to pay overtime may be $2350 across 25 different employees, but no single individual

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[1] https://www.dir.ca.gov/dlse/. The purpose of the Division of Labor Standards and Enforcement is to combat wage theft, protect workers from retaliation, and educate the public by putting "earned wages into workers' pockets and help level the playing field for law-abiding employers." This office is also known as the Labor Commissioner's Office.

suffered a loss of more than a couple hundred dollars. Penal Code section 487m would allow that to be charged as grand theft.

Additionally, the Wage Theft Protection Act of 2011 created criminal penalties on businesses that do not comply with court ordered judgements for failure to pay wages or provide notice to the employee of their rate of pay.

> An employer who willfully fails to pay a final court judgment or final order issued by the Labor Commissioner for wages due to an employee who has been terminated or who quits within 90 days of the date that the judgment was entered or the order became final may be charged with a misdemeanor, provided the employer had the ability to pay the amount of the judgment or order. …If the total amount of wages due is more than $1,000 upon conviction therefor, the employer shall be fined not less than $10,000 nor more than $20,000 or imprisoned in a county jail for not less than six months, nor more than one year, or both the fine and imprisonment, for each offense. If there are multiple failures to pay wages involving more than one employee, the total amount of wages due to all employees shall be aggregated together for purposes of determining the level of fine and the term of imprisonment. (Lab. Code, § 1197.2, subd. (a).)

Civil and criminal penalties are available in the Wage Theft Protection Act of 2011 for each offense. In addition, if an employer fails to pay wages to more than one employee, the total amount of wages due to all employees will be aggregated for purposes of determining the level of the fine and the term of imprisonment.

Finally, Labor Code section 215 criminalizes failure to pay wages to temporary workers, failure to pay wages on a specified regular basis to hourly, agricultural, and domestic workers, and payment at a specified time for striking employees. It also criminalizes payment in the form of paper obligations (IOUs).

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.

   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, 789, 790, and 791.) 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, theft, including retail theft and shoplifting, robbery, identity theft, incest, and revenge porn, among others. Consolidation based on specified offenses against a single defendant across multiple jurisdictions require 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).)

This bill allows a defendant charged with wage theft or labor trafficking, as specified, in multiple jurisdictions to face a consolidated trial on all charged counts in one county based on the following factors: (a) where the victim resided at the time of the wage theft or labor trafficking; (b) where the victim was present at the time the employment contract was entered into; (c) where any portion of the work was performed, or; (d) where the business or any of its locations was situated at the time of the wage theft or labor trafficking. However, as explained below, there are constitutional restrictions on consolidation. Additionally, if multiple charges apply to the same defendant, jurisdiction is proper in any of those counties where the alleged crime occurred subject to a consolidation hearing. However, if there is only one count of wage theft, for example, any county where the victim resided, the victim was present when the employment agreement was "entered into", where any portion of the work was performed, or where the business or its locations are situated, would be proper.

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 v. Superior Court (People)* (2001) 25 Cal.4th 1046, 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 United States 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,* 25 Cal.4th 1046, 1065-1069.)

As explained above, venue is generally proper in the county where the crime occurred, and the 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.

This bill is premised on Penal Code section 786.5, subdivision (b) which allows for consolidating multiple theft charges in any place where one offense was committed, any place where the stolen merchandise was recovered, or any place where the defendant instigated, procured, promoted, or aided the commission of a theft offense. Subdivision (b), which is the only section available to county district attorneys, requires demonstrating that a petty theft, retail theft, or receipt stolen property may be prosecuted where: (a) an offense involving the theft or receipt of the stolen merchandise occurred; (b) the county in which the merchandise was recovered; or (c) the county where any act was done by the defendant in instigating, procuring, promoting, or aiding in the commission of a petty theft, retail theft, or receipt of stolen property, or in abetting the parties concerned in the commission. (See Pen. Code, § 786.5, subd. (b).)

If multiple offenses of theft or violations of retail theft or receipt of stolen property, either all involving the same defendant or defendants and the same merchandise, or all involving the same defendant or defendants and the same scheme or substantially similar activity, occur in multiple jurisdictions, then any of those jurisdictions are a proper jurisdiction for all of the offenses, subject to a consolidation hearing.

However, while the U.S. Constitution does not require a jury drawn from of a defendant's community to be fair, that does not mean the state has the right to try a defendant anywhere it chooses. There still must be a reasonable connection between the commission of the crime and the county where trial occurs.

> 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.)

To suggest otherwise, would be to allow prosecutors to pick any county most likely to yield a conviction without reference to where the crime occurred. The purpose of consolidation is judicial economy – to avoid victims and witnesses from testifying multiple times – it is not for prosecutorial convenience or success.

Section 784.7 expressly conditioned joinder on a hearing, pursuant to Penal Code section 954 to determine whether the charged offenses were connected together in their commission, or of the same class of crimes or offenses, and that connection supplied the necessary reasonable relationship or nexus between the place designated for trial and the commission of the offense. (*People v. Delgado* (2010) 181 Cal. App. 4th 839, 847.)

This bill allows for wage theft and labor trafficking to be tried in any county where: (a) a victim resided at the time of the wage theft or labor trafficking; (b) a victim was present at the time the employment contract was entered into; (c) any portion of the work was performed; or (d) the business or any of its locations were situated at the time of the wage theft or labor trafficking. This section may be overly broad because, in some cases, these locations may not have a reasonable nexus to the commission of the crime, but it is expressly authorized by statute.

For example: A roofing business hired daily laborers to perform work, and either underpaid the workers or did not pay them at all, then pretended to go out of business, only to re-open their business again but under another name. The business owner or owners may be charged with wage theft pursuant to Penal Code section 487m. Venue would be proper in any number of places, including where a victim resided, where **most** of the work was performed, or where the defendant's business is located.

But where an employment contract was "*entered into"* could be several places – where it was signed, where terms were agreed upon, at someone's home, or at some other location convenient to one of the parties. That may result in venue in a county having absolutely no relationship to the wage theft. Additionally, where any "labor" was performed could include a county where someone picked up a few tools for a roof installation and immediately left the county to perform the work. In that case, there may not be a nexus to the county.

Finally, as noted above, in the existing exceptions to venue, there is usually a cross-admissibility to evidence regardless of where the crime is tried. For instance, in *People v. Delgado, supra,* the court found that since Penal Code section 784.7 allowed for certain sex offenses involving different victims to be tried in any county a victim resided and evidence of child victims was cross-admissible pursuant to Evidence Code section 1108, that section did not violate the vicinage requirement. (*People v. Delgado, supra,* 181 Cal.App.4th at 847.)

In this case, it is unclear whether one county would have cross-admissibility of evidence of alleged wage theft across multiple victims, incidents, and circumstances. One employee may have only been denied overtime while two other employees were not paid at all. One employee may have worked one day, and another employee may have worked every day for six months. If an alleged wage theft had an employee pick up supplies on a particular day in Alameda County, but has only ever performed work in Sacramento and Yolo County, the employee lives in Sacramento County, the business is located in Sacramento County and the owner lives in Sacramento County, it may be a violation of a defendant's right to a fair trial to try a wage theft case in Alameda County on the allegation that one of the victims "performed work" there on one day. Tying multiple charges against a defendant in a county that is probably more favorable may give an unfair advantage to the prosecution to tie weak charges together in a way that seems more persuasive to a jury. While a defendant may be able to argue that a nexus does not exist in all counts, the statute clearly provides jurisdiction in a broad sense.

5) **Argument in Support**: According to the *Los Angeles County District Attorney's Office*, "[The] existing law on jurisdiction in theft cases does not specifically address acts of wage theft or labor trafficking. This vagueness in the law has led to uncertainty in the investigation and prosecution of some of these cases, especially where contracts are entered into via digital channels such as the internet or phone, with employees working remotely for companies with ambiguous locations. For example: a worker lives in County A and enters a contract over the phone with an employer (who also lives in County A) for two days of labor to occur in Counties B and C. The contract was entered into while the worker was present in County A. The labor was completed in Counties B and C, and the employer failed to pay the employee the owed wages. Under existing laws, it is unclear when or where the theft occurred. There is no merchandise or other tangible property to recover, and it's unclear in which county the employer instigated, procured, promoted, or aided in the commission of a theft offense because the contract was formed on the phone, and the employer's location at the time of the contract is unknown. Section 786.5 does not neatly apply to this fact pattern. County A wants to prosecute but is unsure whether it has jurisdiction, thus impacting the investigation and filing of criminal charges against the employer. Unfortunately, this problem happens too

often to ignore and has been amplified in Los Angeles County in the wake of last year's massive wildfires, impacting laborers hired for cleanup and restoration work.

"AB 1583 would strengthen CA's response to labor trafficking and wage theft by creating a specific jurisdictional statute for these crimes, expressly allowing labor trafficking and wage theft prosecutions to occur in the county where the victim resided at the time of the theft or trafficking, the county where the victim was present at the time the employment contract was entered into, the county where any portion of the work was performed, or the county where the offending business or any of its locations were situated at the time of the wage theft or labor trafficking. AB 1583 would also close a critical loophole by authorizing coordinated prosecutions for multi-jurisdiction offenders in labor trafficking and wage theft cases."

6) **Argument in Opposition**: None on file.

7) **Related Legislation**: SB 648 (Smallwood-Cuevas), Chapter 93, Statutes of 2025, authorize the Labor Commissioner to investigate and issue a citation or file a civil action for gratuities taken or withheld.

8) **Prior Legislation**:

   a) AB 1003 (L. Gonzalez), Chapter 325, Statutes of 2022 criminalizes wage theft as grand theft where a person suffers more than $950 in wage loss, or more than one person suffers an aggregate of $2,350.

   b) AB 1613 (Irwin), Chapter 949, Statutes of 2022, expands the territorial jurisdiction for a criminal action brought by the Attorney General for theft, organized retail theft, receipt of stolen property or conspiracy to commit those crimes, to include the county where 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 in instigating, procuring, promoting, or aiding in the commission of the offense.

   c) AB 1779 (Irwin), Chapter 165, Statutes of 2024, authorizes county district attorneys to file specified theft offences in multiple jurisdictions against the same defendant or defendants.

REGISTERED SUPPORT / OPPOSITION:

Support

Los Angeles County District Attorney's Office (Co-Sponsor)
Sonoma County District Attorney's Office (Co-Sponsor)
California District Attorneys Association

Opposition

None on file.

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