
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: AB 1656 **Hearing Date:** June 9, 2026
Author: Davies
Version: March 5, 2026
Urgency: No **Fiscal:** No
Consultant: ML

Subject: *Human trafficking case continuances*

HISTORY

Source: San Diego District Attorney's Office

Prior Legislation: AB 577 (Muratsuchi), Ch. 853, Stats. of 2022
AB 959 (Melendez), held in Assembly Appropriations, 2019
AB 2124 (Rubio), held in Senate Appropriations, 2018
AB 2359 (Maienschein), held in Assembly Appropriations, 2018
AB 229 (Baker), held in Senate Appropriations, 2017
AB 2202 (Baker), held in Senate Appropriations, 2016
AB 2653 (Chu), Ch. 788, Stats. of 2002
SB 69 (Murray), Ch. 580, Stats. of 1999
AB 501 (Nakanishi), Ch. 382, Stats. of 1999
SB 215 (Alpert), Ch. 69, Stats. of 1997

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 District Attorneys Association; California Narcotic Officers' Association; California Reserve Peace Officers Association; California State Sheriffs' 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; Placer County Deputy Sheriffs' Association; Pomona Police Officers' Association; Riverside Police Officers Association; Riverside Sheriffs' Association

Opposition: Los Angeles County Public Defenders Union, Local 148; San Francisco Public Defender's Office

Assembly Floor Vote: 68 - 0

PURPOSE

The purpose of this bill is to expand the list of crimes for which a court must consider good cause for the purpose of granting a prosecutor's request for continuance beyond a defendant's statutory speedy trial right to include any case pertaining to human trafficking.

Existing law states that a person who deprives or violates the personal liberty of another with the intent to obtain forced labor or services is guilty of human trafficking and shall be punished by imprisonment in the state prison for 5, 8, or 12 years and a fine of not more than \$500,000. (Pen. Code, § 236.1, subd. (a).)

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. A violation is punishable by imprisonment in the state prison as follows:

- 5, 8, or 12 years and a fine of not more than \$500,000; or,
- 15 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 requires that a court, unless good cause to the contrary is shown, order a criminal case to be dismissed in the following cases:

- When a person has been held to answer for a public offense and an information is not filed against the person within 15 days.
- In a felony case, when a defendant is not brought to trial within 60 days of the defendant's arraignment, an indictment or information, reinstatement of criminal proceedings after a declaration of doubt of the defendant's mental competency, or if a case is to be retried following a mistrial or an order granting a new trial, as specified.
- When a defendant in a misdemeanor or infraction case is not brought to trial within 30 days after being arraigned or entering their plea, whichever occurs later, if the defendant is in custody, or within 45 days if the defendant is out of custody. (Pen. Code, § 1382, subds. (a)(1)-(3).)

Existing law states that a felony case shall not be dismissed if the defendant enters a general waiver of the 60-day trial requirement or if the defendant requests or consents to the setting of trial beyond the 60-day period. (Pen. Code, § 1382, subds. (a)(2)(A)-(B).)

Existing law states that a misdemeanor or infraction shall not be dismissed if the defendant enters a general time waiver of the 30-day or 45-day trial requirement, the defendant requests or

consents to the setting of the trial beyond the 30-day or 45-day period, or the defendant fails to appear at a hearing prior to trial and a bench warrant has been issued. States that if such a bench warrant is issued, then the defendant will be deemed to have been arraigned on the date of their subsequent arraignment on their bench warrant. (Pen. Code, § 1382, subds. (a)(3)(A)-(C).)

Existing law mandates that continuances be granted only upon a showing of good cause. States that neither the convenience of the parties nor a stipulation of the parties is in and of itself good cause. (Pen. Code, § 1050, subd. (d).)

Existing law requires that when deciding whether or not good cause for a continuance has been shown, the court must consider the general convenience and prior commitments of all witnesses, including peace officers. Requires that both the general convenience and prior commitments of each witness also be considered in selecting a continuance date if the motion is granted. Allows that the facts as to inconvenience or prior commitments may be offered by the witness or by a party to the case. (Pen. Code, § 1050, subd. (g)(1).)

Existing law defines “good cause” to include, but is not limited to, those cases where the charge is murder, child abuse, stalking related to a specified sex offense, domestic violence, a case being handled in the Career Criminal Prosecution Program, or a hate crime, and where the prosecuting attorney assigned to the case has another trial, preliminary hearing, or motion to suppress in progress in that court or another court. A continuance under this provision shall be limited to a maximum of 10 additional court days. (Pen. Code, § 1050, subd. (g)(2).)

Existing law authorizes that only one continuance per case may be granted to the prosecutor for cases involving stalking, hate crimes, or cases handled under the Career Criminal Prosecution Program. States that any continuance granted to the people in a case involving stalking or handled under the Career Criminal Prosecution Program shall be for the shortest time possible, not to exceed 10 court days. (Pen. Code, § 1050, subd. (g)(3).)

Existing law requires that in order to continue any hearing in a criminal proceeding, including the trial, a written notice shall be filed and served on all parties to the proceeding at least two court days before the hearing sought to be continued, together with affidavits or declarations detailing specific facts showing that a continuance is necessary. (Pen. Code, § 1050, subd. (b)(1).)

Existing law requires that within two court days of learning that a person has a conflict in the scheduling of any court hearing, including a trial, an attorney must notify the calendar clerk of each court involved, in writing, indicating which hearing was set first. (Pen. Code, § 1050, subd. (b)(2).)

Existing law requires that a superior court, in scheduling a trial date at an arraignment involving murder, sexual assault, child abuse, a case under the Career Criminal Prosecution Program, or a case against a person with a developmental disability, make reasonable efforts to avoid setting that trial, when that case is assigned to a particular prosecuting attorney, on the same day that another case is set for trial involving the same prosecuting attorney. (Pen. Code, § 1048.1, subd. (a).)

This bill expands the list of crimes for which a court must consider good cause for purposes of granting a prosecutor’s request for continuance beyond a defendant’s statutory speedy trial right to include any case pertaining to human trafficking. Allows only one continuance per case under this provision.

COMMENTS

1. Need for This Bill

The author writes:

AB 1656 is a critical step in modernizing the state's judicial approach to some of the most heinous crimes. By expanding the definition of "good cause" for trial continuances, the bill ensures that human trafficking and child sexual exploitation cases receive the same legal priority and scheduling flexibility as murder and domestic violence trials. This change provides prosecutors with the necessary time to manage the immense complexities of trafficking litigation, such as coordinating witness testimony and handling sensitive evidence, without being forced into rushed proceedings. Ultimately, passing AB 1656 would strengthen the justice system's ability to hold traffickers accountable while reducing the risk of procedural dismissals that can re-traumatize victims.

2. Existing Law Governing Human Trafficking in California

Human trafficking occurs when a person deprives or violates the personal liberty of another with the intent to obtain forced labor or services. (Pen. Code, § 236.1, subd. (a).) It is punishable as a felony in state prison for 5, 8, or 12 years and a fine of up to \$500,000. (*Ibid.*)

Human trafficking with the intent to commit specified sex crimes including pimping, pandering, or child pornography, is a felony punishable by imprisonment for 8, 14, or 20 years and a fine of up to \$500,000. (Pen. Code, § 236.1, subd. (b).) A person who causes or induces 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, 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).)

3. Existing Law Governing Speedy Trial Rights

Generally, the U.S. and State Constitutions and California state law provide for the right to a speedy trial. (U.S. Const., 6th Amend.; Cal. Const., art. I, sec. 15; Pen. Code, § 1382.) The right to a speedy trial is "an important safeguard to prevent undue and oppressive incarceration prior to trial, to minimize anxiety and concern accompanying public accusation and to limit the possibilities that long delay will impair the ability of an accused to defend himself." (*United States v. Ewell* (1966) 383 U.S. 116, 120.)

In California, a felony case must be brought to trial within 60 days of arraignment or indictment, whichever occurs later. A misdemeanor case must be brought to trial within 30 days of arraignment or plea, whichever occurs later, if the defendant is in custody. If the defendant is out of custody for a misdemeanor, the case must be brought to trial within 45 days. (Pen. Code, § 1382, subd. (a)(1)-(3).) Where a case is not brought to trial within the statutory speedy trial deadline, the court must grant dismissal, unless the defendant has entered a general time waiver,

the defendant has consented to the extension, or good cause is shown. (*Ibid*; *Baustert v. Superior Court (People)* (2005) 129 Cal.App.4th 1269, 1275.)

The general time waiver entitles the superior court “to set or continue a trial date without the sanction of dismissal should the case fail to proceed on the date set for trial.” (Pen. Code, § 1382, subds. (a)(2)(A), (a)(3)(A).) If the defendant, after proper notice to all parties, withdraws the waiver in the superior court, the defendant must be brought to trial within 60 days of the date of that withdrawal for felony cases and within 30 days for misdemeanor cases. (*Ibid.*) If the defendant requests or consents to a trial date beyond the statutory deadline, the defendant must be brought to trial on the agreed-upon date or within 10 calendar days thereafter. (Pen. Code, § 1382, subds. (a)(2)(B), (a)(3)(B).)

A court may only issue a continuance beyond the statutory periods for a maximum of 10 days and only for good cause. (Pen. Code, § 1050, subd. (d).) Several factors are relevant in determining good cause: (a) the nature and strength of the justification for the delay; (b) the duration of the delay; and (c) the prejudice to either the defendant or the prosecution that is likely to result from the delay. In making its good-cause determination, a trial court must consider all the relevant circumstances of the particular case, applying principles of common sense to the totality of the circumstances. (*People v. Engram* (2010) 50 Cal.4th 1131, 1163.) Good cause exists, for example, when the delay beyond the statutory period is caused by the conduct of the defendant or occurs for his or her benefit, or there are unforeseen circumstances such as unexpected illness, unanticipated unavailability of counsel, or the absence of a witness despite due diligence to secure his or her attendance. (*People v. Hajjaj* (2010) 50 Cal. 4th 1184, 1198.) However, delay attributable to court congestion or improper court administration does not constitute good cause. (*Engram, supra*, 50 Cal.4th at p. 1163; *see Stroud v. Superior Court* (2000) 23 Cal.4th 952, 969.) “[U]nreasonable delay in run-of-the mill criminal cases cannot be justified by simply asserting that the public resources provided by the State's criminal-justice system are limited and that each case must await its turn.” (*Engram, supra*, 50 Cal.4th at p. 1163, quoting *Johnson, supra*, 26 Cal.3d at pp. 571–572.) Neither the convenience of the parties nor a stipulation of the parties is, in and of itself, good cause. (See Pen. Code, § 1050, subd. (e).)

The introduction to Penal Code section 1050, enacted in 1959, states the intent of the Legislature as related to good cause continuances, as follows:

The welfare of the people of the State of California requires that all proceedings in criminal cases shall be set for trial and heard and determined at the earliest possible time. To this end, the Legislature finds that the criminal courts are becoming increasingly congested with resulting adverse consequences to the welfare of the people and the defendant. Excessive continuances contribute substantially to this congestion and cause substantial hardship to victims and other witnesses. Continuances also lead to longer periods of presentence confinement for those defendants in custody and the concomitant overcrowding and increased expenses of local jails. It is therefore recognized that the people, the defendant, and the victims and other witnesses have the right to an expeditious disposition, and to that end it shall be the duty of all courts and judicial officers and of all counsel, both for the prosecution and the defense, to expedite these proceedings to the greatest degree that is consistent with the ends of justice. (Pen. Code, § 1050, subd. (a).)

Over time the Legislature has added additional exceptions to the general rule that criminal trials must occur at the “earliest possible time.” Specifically, the convenience of witnesses, including peace officers, may constitute good cause. (Pen. Code, § 1050, subd. (g)(1).) A court is required to find “good cause” in cases of homicide, stalking, child abuse, specific sex offenses, domestic violence, hate crimes, or cases being handled by the Career Criminal Prosecution Program, where the prosecuting attorney has another trial, preliminary hearing, or motion to suppress in progress that conflicts with the case. (Pen. Code, § 1050, subd. (g)(2).) Such continuances are limited to a maximum of 10 additional court days. (*Ibid.*)

In determining “good cause,” the court will consider whether the party seeking a continuance demonstrated it has prepared for the hearing or trial with due diligence. If the party is seeking a continuance to secure a witness's testimony, the party must show that they exercised due diligence to secure the witness's attendance, that the witness would be available to testify within a reasonable time, and that the testimony was material and not cumulative. (*People v. Johnson* (2013) 218 Cal.App.4th 938, 942.)

There is, further, a provision of existing law that requires that a superior court, in scheduling a trial date at an arraignment involving murder, sexual assault, child abuse, a case under the Career Criminal Prosecution Program, or a case against a person with a development disability, make reasonable efforts to avoid setting that trial on the same day that another case is set for trial involving the same prosecuting attorney. (Pen. Code, § 1048.1, subd. (a).)

4. Effect of This Bill

This bill would expand the list of crimes for which a judge must find good cause for a continuance to include the offense of human trafficking, as defined.

The sponsors and author submit that good cause continuances are necessary to facilitate vertical prosecution, which is a model where one attorney handles all stages of a case from beginning to end, rather than substituting counsel at different stages as needed. Vertical prosecution, supporters argue, allows prosecutors to build trust and expertise working with vulnerable victim witnesses, such as survivors of human trafficking.

This bill raises several questions.

a. Nexus Between Vertical Prosecution and Speedy Trial Rights

Other vertical prosecution programs have been implemented without requiring good cause continuances. This suggests mandatory good cause continuances are not necessary to implement vertical prosecution models. Specifically, in 2023, a grant program was established via the budget act to award \$24,868,293 in grant funds to 13 district attorney offices to implement a vertical prosecution program on the issue of retail theft. (Board of State and Community Corrections, *ORT Vertical Prosecution Q4 Summary* (Dec. 17, 2024) <ORT-Vertical-Prosecution-Q4-Summary-12.17.2024-.pdf>.) These offices have implemented vertical prosecution models for a category of offense—retail theft—where there is no requirement for good cause continuances. Further, there is no provision in existing law that prevents district attorney offices from implementing a vertical prosecution model in human trafficking cases. In short, the connection between vertical prosecution and good cause continuances is arguably tenuous.

b. This Bill May Target a Budget Issue

This bill comes after repeated attempts to fund vertical prosecution programs have failed. If prosecutorial offices lack the resources to implement vertical prosecution, the best solution may not be to suspend defendant's right to a speedy trial, which will likely increase court congestion and backlog, as per the introduction to Penal Code Section 1050. (Pen. Code, § 1050, subd. (a).) Rather, the solution to this issue may be to sufficiently fund vertical prosecution programs.

The Committee may consider whether vertical prosecution programs would more appropriately be pursued through the budget process, rather than policy bills such as this one.

c. Judicial Discretion

Judges already have discretion to grant good cause continuances depending on the facts of individual cases, such as the vulnerability of a defendant and the severity or complexity of the case. Under existing law, if a particular case requires that a prosecuting attorney be the sole attorney for the case to better support a vulnerable victim witness, then a court can make that determination and grant a continuance. This legislation would eliminate a judge's discretion and require the court to grant the continuance, regardless of the facts of the case.

While continuity may often be desirable, there are likely cases in which the need for continuity does not outweigh the defendant's right to speedy trial. Judges are best positioned to make that determination. Thus, the Committee and author may consider amendments to make it discretionary to find good cause for continuance in cases of human trafficking, depending on the facts of the case, rather than mandatory.

d. Pretrial Detention

Good cause continuances cause defendants in custody to face longer periods of pretrial detention, even if they are not guilty of the underlying offense. Pretrial detention can harm someone's employment, housing, mental health, and family stability. (Dobbie et al., *The Effects of Pretrial Detention on Conviction, Future Crime, and Employment: Evidence from Randomly Assigned Judges* (2018) 108 Am. Econ. Rev. 201 <<https://perma.cc/7NAN-S7HB>>.) Additionally, the longer people are forced to remain in pretrial detention, the more likely they are to take a plea agreement, even if they are not guilty. (*Ibid.*) Extended periods of pretrial detention impose significant costs on counties. And even short periods of detention can make people more likely to become involved with the criminal justice system in the future. (Lowenkamp, VanNostrand & Holsinger, *The Hidden Costs of Pretrial Detention* (2013), p. 4 <<https://perma.cc/498S-LM6P>>.)

e. Overbreadth

This bill would apply to all human trafficking cases, regardless of whether the district attorney office in question has implemented a vertical prosecution model for those cases. Thus, this legislation is likely overbroad because it would affect cases where prosecutors do not engage in vertical prosecution.

f. Prosecution and Defense Parity

Both district attorneys and public defenders handle multiple trials and hearings at one time, yet only district attorneys are permitted good cause continuances for human trafficking cases under

this bill. Defense counsel are not granted the same right even though the specialization of specific kinds of cases arguably should apply to both the prosecution and the defense. (*People v. Johnson* (1980) 26 Cal.3d 557, 562 [“We conclude that, at least in the case of an incarcerated defendant, the asserted inability of the public defender to try such a defendant's case within the statutory period because of conflicting obligations to other clients does not constitute good cause to avoid dismissal of the charges.”].)

g. Future Carve-Outs

As this bill demonstrates, there is a growing push to add additional types of cases for which a court must grant a good cause continuance and thereby delay a defendant's right to trial. Such carve-outs undermine the original intent of the speedy trial requirements in statute, and they undermine defendants' constitutional rights. If this trend continues, so many classes of crimes may be included in this carve-out that defendants' speedy trial rights may be delayed beyond the statutory limit in most criminal cases.

h. Separation of Powers Concerns

It is possible that requiring good cause continuances for additional categories of offenses may violate separation of powers because doing so “materially impairs” the ability of courts to manage their dockets.

Courts have an inherent power to manage their own calendars and caseload. (*Landis v. North American Co.* (1936) 299 U.S. 248, 254-255.) The California Supreme Court in *Brydonjack v. State Bar* emphasized that the separation-of-powers doctrine imposes a limitation on the Legislature's authority to promulgate rules affecting matters that fall within the inherent authority of courts. (*Brydonjack v. State Bar* (1929) 208 Cal. 439, 442.) It observed that “the Legislature may put reasonable restrictions upon constitutional functions of the courts provided they do not defeat or materially impair the exercise of those functions.” (*Id.* at p. 444).

As discussed above, the Legislature already regulates the judicial calendar to a certain degree in criminal cases. In particular, the Legislature requires good cause continuances in cases involving certain categories of crimes. The list of offenses in this category was last expanded in 2002, when hate crimes were added to the list. (AB 2653 (Chu), Ch. 788, Stats. of 2002.) In the intervening 24 years, court calendars and caseloads have become increasingly strained. There is a concern that mandating continuances for even more categories of cases, with no regard to the individual facts of each case, “materially impairs” the ability of courts to manage their dockets and thereby violates separation of powers.

At some point, courts may rule that legislation such as this bill unconstitutionally infringes on their inherent powers to manage caseloads. Considering this risk, the Committee and author may wish to more narrowly tailor the legislative mandates on judicial calendaring in this bill.

In light of the concerns outlined above, the Committee may wish to consider adding human trafficking to an existing provision of law that requires that a superior court, in scheduling a trial date at an arraignment, to make reasonable efforts to avoid setting that trial on the same day that another case is set for trial involving the same prosecuting attorney. (Pen. Code, § 1048.1, subd. (a).) The Committee may consider adding human trafficking to this penal code provision, instead of requiring a good cause continuance for these cases. Penal Code section 1048.1 would require a court to consider the prosecutor's calendar but still maintain judicial discretion to grant

continuances depending on the facts of the case, such as whether the victim has a relevant disability, or the severity and complexity of the case.

5. Argument in Support

The California District Attorneys Association writes:

Survivors of human trafficking frequently experience severe trauma, coercive control, and psychological harm. Some are under a debt bondage, immigration coercion, threats of violence or family threats. It is very hard for survivors to trust someone in authority, such as prosecuting attorneys who must work diligently to establish a trusting relationship with the victims.

AB 1656 recognizes that if the vertically assigned prosecutor is engaged in another criminal matter, it is important to preserve the continuity of counsel between the prosecutor and the survivor of human trafficking. AB 1656 would permit a finding of good cause to continue the human trafficking case for up to ten days to permit the vertically assigned prosecutor to handle the case. Forcing the matter to proceed with a substitute prosecutor may undermine victim cooperation, increase anxiety and negatively impact the quality of the victim's testimony.

6. Argument in Opposition

The San Francisco Public Defender writes:

AB 1656 adds yet another category of crimes providing prosecutors with a unilateral exception to the requirements of "good cause" within the meaning of Penal Code § 1050. AB 1656 contravenes the core legislative intent of Section 1050, which states that "all proceedings in criminal cases shall be set for trial and heard and determined at the earliest possible time" because "criminal courts are becoming increasingly congested with resulting adverse consequences to the welfare of the people and the defendant" and "*[e]xcessive continuances contribute substantially to this congestion and cause substantial hardship to victims and other witnesses . . . [and] lead to longer periods of presentence confinement for those defendants in custody and the concomitant overcrowding and increased expenses of local jails.*" An additional class of crimes that fall within the meaning of "good cause" would only cause more delay, more congestion, more hardship, and longer periods of presentence confinement for people who have not been convicted of a crime.

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