
THIRD READING

Bill No: AB 1656
Author: Davies (R)
Amended: 3/5/26 in Assembly
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 5-0, 6/9/26

AYES: Arreguín, Seyarto, Cortese, Pérez, Wiener

NO VOTE RECORDED: Caballero

ASSEMBLY FLOOR: 68-0, 3/12/26 - See last page for vote

SUBJECT: Human trafficking case continuances

SOURCE: Author

DIGEST: This bill requires a court in a criminal case, in determining whether good cause for a continuance exists for cases of human trafficking, to give great weight to the fact that the prosecuting attorney assigned to the case has another trial, preliminary hearing, or motion to suppress in progress in that court or another court.

ANALYSIS:

Existing aw:

- 1) 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. (Penal (Pen.) Code, § 236.1, subd. (a).)
- 2) 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).)

- 3) 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:
 - a) 5, 8, or 12 years and a fine of not more than \$500,000; or,
 - b) 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).)
- 4) Requires that a court, unless good cause to the contrary is shown, order a criminal case to be dismissed in the following cases:
 - a) When a person has been held to answer for a public offense and an information is not filed against the person within 15 days.
 - b) 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.
 - c) 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).)
- 5) 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).)
- 6) 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).)

- 7) 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).)
- 8) 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).)
- 9) Defines “good cause” to include, but not be 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).)
- 10) 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).)
- 11) 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).)
- 12) 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).)

- 13) 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:

- 1) Requires the court, in determining whether good cause for a continuance exists for cases of human trafficking, to give great weight to the fact that the prosecuting attorney assigned to the case has another trial, preliminary hearing, or motion to suppress in progress in that court or another court.
- 2) Allows that only one continuance may be granted to the people under this provision, which shall be limited to a maximum of 10 additional court days.

Background

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.*)

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.)

Over time the Legislature has added additional exceptions to the general rule that criminal trials must occur at the “earliest possible time.” 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.*)

This bill requires the court, in determining whether good cause for a continuance exists for cases of human trafficking, to give great weight to the fact that the prosecuting attorney assigned to the case has another trial, preliminary hearing, or motion to suppress in progress in that court or another court. This bill allows that only one continuance may be granted to the people under this provision, which shall be limited to a maximum of 10 additional court days.

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.

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.

Further, 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.

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> .)

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

SUPPORT: (Verified 6/11/26)

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
San Diego County District Attorney's Office

OPPOSITION: (Verified 6/11/26)

ACLU California Action
Initiate Justice
Los Angeles County Public Defender's Union, Local 148
San Francisco Public Defender

ARGUMENTS 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.

ARGUMENTS 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.

ASSEMBLY FLOOR: 68-0, 3/12/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Fariás, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Calderon, Carrillo, Chen, Connolly, Davies, DeMaio, Dixon, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Lackey, Lee, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO VOTE RECORDED: Bonta, Bryan, Caloza, Castillo, Elhawary, Hoover, Johnson, Krell, Lowenthal, Quirk-Silva, Celeste Rodriguez, Valencia

Prepared by: Marshal Lawler / PUB. S. /
6/12/26 12:50:01

**** END ****