

Date of Hearing: April 14, 2026  
Counsel: Kimberly Horiuchi

ASSEMBLY COMMITTEE ON PUBLIC SAFETY  
Nick Schultz, Chair

AB 2052 (Stefani) – As Introduced February 18, 2026

**As Proposed to be Amended in Committee**

**SUMMARY:** 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 elder or dependent adult abuse and specifies that the prosecutor may only receive such a good cause continuance once per case.

**EXISTING LAW:**

- 1) States 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).)
- 2) 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).)
- 3) Provides that a party shall not be deemed to have been served until that party actually receives a copy of the documents to be served, unless the party, after receiving actual notice of the request for continuance, waives the right to have the documents served in a timely manner. Regardless of the proponent of the motion, the prosecuting attorney must notify the people’s witnesses, and the defense attorney shall notify the defense’s witnesses of the notice of motion, the date of the hearing, and the witnesses’ right to be heard by the court. (Pen. Code, § 1050, subd. (b)(2).)
- 4) Mandates that continuances be granted only upon a showing of good cause. Neither the convenience of the parties nor a stipulation of the parties is in and of itself good cause. (Pen. Code, § 1050, subd. (d).)
- 5) Mandates that when deciding whether or not good cause for a continuance has been shown, the court consider the general convenience and prior commitments of all witnesses, including peace officers. Both the general convenience and prior commitments of each witness also shall be considered in selecting a continuance date if the motion is granted. 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).)
- 6) Defines “good cause” to include, but is not limited to, those cases involving murder, stalking related to a specified sex offense, domestic violence, a case being handled in the Career

Criminal Prosecution Program, or a hate crime, has occurred and 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 paragraph shall be limited to a maximum of 10 additional court days. (Pen. Code, § 1050, subd. (g)(2).)

- 7) States 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. 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).)
- 8) States that the court, unless good cause to the contrary is shown, shall order the action 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 or an indictment or information, or reinstatement of criminal proceedings after a declaration of doubt of 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 enters 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, subd. (a)(1)-(3).)
- 9) Provides 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, subd. (a)(2)(A)-(B).)
- 10) 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, then the defendant will be deemed to have been arraigned on the date of their subsequent arraignment on their bench warrant. (Pen. Code, § 1382, subd. (a)(3)(A)-(C).)

**FISCAL EFFECT:** Unknown

**COMMENTS:**

- 1) **Author's Statement:** According to the author, "AB 2052 strengthens California's response to crimes against children, older adults, and adults with developmental or cognitive disabilities by ensuring greater continuity in prosecution for these vulnerable victims. Too often, cases involving vulnerable victims are handed from one prosecutor to another, forcing victims and their caregivers to repeatedly relive traumatic experiences while navigating an already difficult justice system without consistent support. AB 2052 allows prosecutors to use vertical prosecution, meaning the same attorney can handle a case from beginning to end,

so prosecutors can develop the expertise and sensitivity needed to work effectively with vulnerable victims and build the trust necessary for children and older adults, particularly those with cognitive impairments, to fully participate in the justice process. It also provides victims and their caregivers with a single, consistent point of contact as they navigate complex court proceedings. As California's population ages and crimes against older adults, including abuse, neglect, and financial exploitation, continue to rise, it is critical that our justice system is equipped to support victims and hold perpetrators accountable. AB 2052 helps ensure prosecutors have the tools to deliver justice for those who need our protection most.”

- 2) **Right to a Speedy Trial:** 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.)

The speedy trial time frame is stated in Penal Code section 1382 and has been determined to be 60 days for a felony trial and either 30 or 45 days for a misdemeanor trial. (See *People v. Shane* (2004) 115 Cal.App.4th 196, 203.) Failure to bring a case to trial within the statutory speedy trial deadline will result in dismissal, unless defendant has entered a general time waiver or the defendant has consented to the extension, or if good cause is shown. (*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, subd. (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. (*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, subd. (a)(2)(B), (a)(3)(B).)

**A continuance beyond the statutory periods without a defendant entering a limited or general time waiver may only be issued by a court for a maximum of 10 days and only for good cause.** “Good cause” can be based on witness availability, judge or courtroom availability, illness or emergency, or a specific class of cases. (*Mendoza v. Superior Court (People)* (2024) 103 Cal.App.5th 865, 870.)<sup>1</sup>

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<sup>1</sup> *Mendoza* is a case out of the San Francisco Superior Court where, despite no demonstrable good cause from the prosecutor, the trial court still continued the defendant's DUI trial beyond the statutory period for good cause. The trial court cited and relied on *Hernandez-Valenzuela v. Superior Court* (2022) 75 Cal.App.5th 1108 (*Hernandez-Valenzuela*), a decision in which a divided panel of Division Three of this court found good cause to continue felony cases past their statutory deadline due to the impact of the COVID-19 pandemic. Although the trial court acknowledged the statement in *Hernandez-Valenzuela* that it cannot “perpetually” rely on the COVID-19 pandemic “to avoid dismissal under section 1382” (*id.* at p. 1135), the court nevertheless found good cause for continued delay attributable to the COVID-19 pandemic. The court found that, given the circumstances, the “limit of good cause” for delaying misdemeanor cases would be June 2024. The court concluded the delay was not caused by “chronic court congestion” but was instead the result of a “global pandemic, the ongoing effects of which constitute exceptional and extraordinary circumstances warranting a finding of good cause.”

A broad variety of unforeseen events may establish good cause under section 1382. However, delay attributable to court congestion or improper court administration does not constitute good cause. The appellate court reviews the court's good cause determination for abuse of discretion. When the superior court denies a motion to dismiss under section 1382, the defendant may seek pretrial writ review without demonstrating prejudice from the delay of trial. (*Id.*)

It is settled that, although a broad variety of unforeseen events may establish good cause under section 1382, the unavailability of a number of judges or courtrooms sufficient to handle the court's caseload, due to chronic congestion of the court's docket, does not establish good cause, absent exceptional circumstances. (*People v. Engram* (2010) 50 Cal.4th 1131,1163; see *Stroud v. Superior Court* (2000) 23 Cal.4th 952, 969.)

The view we expressed 30 years ago in *Johnson, supra*, 26 Cal.3d 557, holds true today, as we confirmed in *Engram*: “A defendant's right to a speedy trial may be denied simply by the failure of the state to provide enough courtrooms or judges to enable defendant to come to trial within the statutory period. ... ‘[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; (*People v. Hajjaj* (2010) 50 Cal.4th 1184, 1198.)

Any legislation that allows the prosecutor to continue a case beyond the statutory and constitutional speedy trial right must be rooted in more than convenience. Continuances in complex cases or in cases where the victim is especially vulnerable have been approved by the courts. (See generally, *Barron v. Superior Court* (2023) 90 Cal.App.5th 628; Pen. Code, § 1050, subd. (g)(2).)

- 3) **Good Cause Continuances:** Penal Code section 1050 generally requires any party seeking to continue any hearing in a criminal proceeding to demonstrate good cause. 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).) Added to the Penal Code in 1959, the introduction to Penal Code section 1050 states the intent of the Legislature, 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).)

Despite the intent of the 1959 amendment, 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).) Moreover, Penal Code section 1050, subdivision (g)(2) states certain types of cases necessarily constitute “good cause” including, homicide, stalking, child abuse, specific sex offenses, domestic violence, hate crimes, or cases being handled by the Career Criminal Prosecution Program.

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.)

Additionally, 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.) If the court grants a good cause continuance, the district attorney may only continue the case for 10 days.

Good cause continuances interfere with a defendant's right to a speedy trial. As a result, the court must make specified findings on the record to grant a good cause continuance. It usually requires time out of the court's calendar to hear the party on the merits and may uniquely hamper the defendant's right to fair trial. This is particularly true given that public defenders are not granted the same right as prosecutors in obtaining good cause continuances.

District attorneys and public defenders handle multiple trials and hearings at one time. Expanding the crimes forming the basis of a good cause continuance means a district attorney may get a continuance of preliminary hearing or trial if they must appear at a proceeding elsewhere. Public defenders and private defense counsel are not granted the same right even though the specialization of specific kinds of cases 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.”].)

The consequence of this is that the prosecutor may continue a case beyond the statutory period designed to ensure a speedy trial to ensure they are present (meaning they are not fungible); defense counsel, on the other hand, must arrange for another, possibly less knowledgeable or experienced attorney to step in if they must appear elsewhere. Defendants are only entitled to competent counsel, not the counsel they have known or worked with for

weeks or months. If a prosecutor is granted a good cause continuance simply because the victim is elderly or a dependent adult, as specified, their defense attorney would not get the same benefit if they had to appear at another trial.

- 4) **Argument in Support:** According to the *California District Attorneys Association*, “Currently, the law limits vertical prosecution to cases involving charges of homicide, sexual assault, and domestic violence, among others. And even though prosecutions with a vulnerable victim who is either a minor, dependent adult, or older adult are just as complex, the law does not recognize or allow for vertical prosecution.

“AB 2052 remedies this shortfall and allows one prosecutor to handle the case from arraignment to trial. Through vertical prosecution, prosecutors can hone their skills and better serve the most vulnerable in our community.”

- 5) **Argument in Opposition:** According to the *San Francisco Public Defender’s Office*, “AB 2052 would expand the list of crimes primarily murder and domestic violence that may support a finding of good cause to continue a case overriding the defendant’s right to a speedy trial to cases where a minor is detained as a material witness, and any crime where an alleged victim is a minor, greater than sixty-five years of age, or a dependent adult as defined by Penal Code § 368, subd. (h).

“In other words, if a prosecutor was in trial on a case expected to last two months and the defendant was in jail awaiting trial on a misdemeanor petty theft of a cell phone from a minor, the defendant’s trial would be postponed two months until the prosecutor finished the first case. Additionally, AB 2052 would lead to unnecessarily prolonged incarceration for minors who are detained as material witnesses, and will cause more jail overcrowding, more expense to taxpayers, more court congestion, and more individuals being detained pretrial.”

- 6) **Related Legislation:** AB 1656 (Davies) would expand the list of crimes that may support a finding of good cause to continue a case to include human trafficking, as specified and specifies that a good cause continuance in a human trafficking case may only be granted once per case. AB 1656 is pending referral in the Senate.
- 7) **Prior Legislation:** AB 501 (Nakanishi), Chapter 382, Statutes of 1999, expanded the grounds for good cause for a continuance of a trial to include a case prosecuted pursuant to the Career Criminal Prosecution Program where the prosecuting attorney assigned to the case has a hearing in that court or another court on a different case

## REGISTERED SUPPORT / OPPOSITION:

### Support

Alzheimer's Association  
 Alzheimer's Greater Los Angeles  
 Alzheimer's Orange County  
 Alzheimer's San Diego  
 California Advocates for Nursing Home Reform  
 California District Attorneys Association  
 California Long Term Care Ombudsman Association (CLTCOA)

California Police Chiefs Association  
California State Sheriffs' Association  
Riverside County District Attorney  
The Arc and United Cerebral Palsy California Collaboration

**Oppose**

ACLU California Action  
California Attorneys for Criminal Justice  
California Coalition for Women's Prisoners  
California Public Defenders Association  
Californians United for a Responsible Budget  
Initiate Justice  
Local 148 Los Angeles County Public Defender's Union  
San Francisco Public Defender

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