
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: AB 2052 **Hearing Date:** June 9, 2026
Author: Stefani
Version: April 16, 2026
Urgency: No **Fiscal:** No
Consultant: ML

Subject: *Criminal procedure: continuances*

HISTORY

Source: Alzheimer's Association

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: Alzheimer's Association; Arcadia Police Officers' Association; Brea Police Association; Burbank Police Officers' Association; California Advocates for Nursing Home Reform; California Association of School Police Chiefs; California Coalition of School Safety Professionals; California Narcotic Officers' Association; California Police Chiefs 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; The Arc and United Cerebral Palsy California Collaboration

Opposition: ACLU California Action; California Attorneys for Criminal Justice; Californians United for a Responsible Budget; Los Angeles County Public Defenders Union, Local 148; San Francisco Public Defender

Assembly Floor Vote: 70 - 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 elder or dependent adult abuse.

Existing law states that a person who knows or reasonably should know that a person is an elder or dependent adult and who, under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits any elder or dependent adult to suffer, or inflicts unjustifiable physical pain or mental suffering, or having the care or custody of any elder or dependent adult, willfully causes or permits the person or health of the elder or dependent adult to be injured, or willfully causes or permits the elder or dependent adult to be placed in a situation in which their person or health is endangered, is guilty of a wobbler punishable by imprisonment in a county jail not exceeding one year, or by a fine not to exceed \$6,000, or by both that fine and imprisonment, or by imprisonment in the state prison for two, three, or four years. (Pen. Code, § 368, subd. (b)(1).)

Existing law requires that a person who commits the above offense and causes great bodily injury must receive a sentence enhancement of three years if the victim is less than 70 years old and five years if the victim is 70 years old or older. (Pen. Code, § 368, subd. (b)(2).)

Existing law requires that a person who commits the above offense and causes death must receive a sentence enhancement of five years if the victim is less than 70 years old and seven years if the victim is 70 years old or older. (Pen. Code, § 368, subd. (b)(3).)

Existing law states that a person who knows or reasonably should know that a person is an elder or dependent adult and who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any elder or dependent adult to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any elder or dependent adult, willfully causes or permits the person or health of the elder or dependent adult to be injured or willfully causes or permits the elder or dependent adult to be placed in a situation in which their person or health may be endangered, is guilty of a misdemeanor. States that a second or subsequent violation of this subdivision is punishable by a fine not to exceed \$2,000, or by imprisonment in a county jail not to exceed one year, or by both that fine and imprisonment. (Pen. Code, § 368, subd. (c).)

Existing law, for the purposes of the above provisions, defines "elder" to mean a person who is 65 years of age or older. (Pen. Code, § 368, subd. (g).)

Existing law, for the purposes of the above provisions, defines "dependent adult" to mean a person, regardless of whether the person lives independently, who is between the ages of 18 and 64, who has physical or mental limitations which restrict their ability to carry out normal activities or to protect their rights, including but not limited to persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. States that "dependent adult" includes a person between the ages of 18 and 64 who is admitted as an inpatient to a 24-hour health facility, as specified. (Pen. Code, § 368, subd. (h).)

Existing law requires that a court order a criminal case to be dismissed in the following cases, unless good cause to the contrary is shown:

- 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, 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, subs. (a)(1)-(3).)

Existing law states that a felony case will 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, subs. (a)(2)(A)-(B).)

Existing law states that a misdemeanor or infraction will 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, subs. (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 development 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 elder or dependent adult abuse. Allows only one continuance per case under this provision.

COMMENTS

1. Need for This Bill

The author writes:

AB 2052 strengthens California's response to crimes against 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 build trust and develop the expertise necessary to work effectively with individuals with cognitive impairments. 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. Existing Law Governing Elder and Dependent Adult Abuse

Existing law states that a person who knows or reasonably should know that a person is an elder or dependent adult and who, under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits any elder or dependent adult to suffer, or inflicts unjustifiable physical pain or mental suffering, or having the care or custody of any elder or dependent adult, willfully causes or permits the person or health of the elder or dependent adult to be injured, or willfully causes or permits the elder or dependent adult to be placed in a situation in which their person or health is endangered, is guilty of a wobbler punishable by imprisonment in a county jail not exceeding one year, or by a fine not to exceed \$6,000, or by both that fine and imprisonment, or by imprisonment in the state prison for two, three, or four years. (Pen. Code, § 368, subd. (b)(1).)

A person who commits the above offense and causes great bodily injury must receive a sentence enhancement of three years if the victim is less than 70 years old and five years if the victim is 70 years old or older. (Pen. Code, § 368, subd. (b)(2).) A person who commits the above offense and causes death must receive a sentence enhancement of five years if the victim is less than 70 years old and seven years if the victim is 70 years old or older. (Pen. Code, § 368, subd. (b)(3).)

A person who commits this crime under circumstances not likely to produce great bodily harm or death is guilty of a misdemeanor. A second or subsequent violation of this subdivision is punishable by a fine not to exceed \$2,000, or by imprisonment in a county jail not to exceed one year, or by both that fine and imprisonment. (Pen. Code, § 368, subd. (c).)

For the purposes of the above provisions, “elder” means a person who is 65 years of age or older. (Pen. Code, § 368, subd. (g).) “Dependent adult” means a person, regardless of whether the person lives independently, who is between the ages of 18 and 64, who has physical or mental limitations which restrict their ability to carry out normal activities or to protect their rights, including but not limited to persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. “Dependent adult” includes a person between the ages of 18 and 64 who is admitted as an inpatient to a 24-hour health facility, as specified. (Pen. Code, § 368, subd. (h).)

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, subsd. (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*, at p. 1163); see *Stroud v. Superior Court* (2000) 23 Cal.4th 952, 969.) 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.*)

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.)

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, 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).)

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 elder and dependent adult abuse, 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, they argue, allows prosecutors to build trust and expertise working with vulnerable victim witnesses, such as elders and dependent adults, who may be cognitively impaired.

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 elder and dependent adult abuse 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 disability of a defendant and 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 elder and dependent adult abuse, 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 dependent and elder abuse 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 elder and dependent adult abuse 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. That concern is particularly present for this bill, because it applies to misdemeanor elder and dependent adult abuse cases, of which there are approximately one thousand each year in California.

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 consider adding human trafficking to an existing provision 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 elder abuse 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 is disabled, or the severity and complexity of the case.

Alternatively, the Committee may consider limiting the bill to apply only in felony cases where a victim witness has a developmental or cognitive disability. This bill requires good cause continuances for all elder and dependent adult cases, regardless of the facts of the case, under the presumption that such cases are complex or involve victims with disabilities. Yet this bill would apply to misdemeanor cases, as well as cases where the victim witness is not disabled. This amendment would make the bill more narrowly targeted to the problem identified.

5. Argument in Support

The Alzheimer's Association writes:

This bill provides a prosecuting attorney with good cause to receive a continuance if they have a Penal Code 368 case where a dependent or older adult is the victim of the alleged offense. This legislation supports the pursuit of vertical prosecutions on behalf of vulnerable victims.

Vertical prosecution units and dedicated elder abuse prosecutors provide victim-survivors with the necessary support to navigate a stressful process seeking justice after a destabilizing event occurs. Those living with cognitive impairment are vulnerable to abuse and neglect, especially financial exploitation, while also facing unique challenges advocating for themselves in these settings.

AB 2052 better supports those living with dementia by enhancing care and support in the community: a dedicated prosecutor creates continuity by holding case knowledge and provides caregivers with a resource to coordinate follow up, while building crucial expertise on elder abuse. These cases need special attention to request accommodations that assist those processing trauma.

6. Argument in Opposition

The California Public Defenders Association writes:

AB 2052 as amended applies to both misdemeanors and felonies. It will cause more jail overcrowding, more expense to taxpayers, more court congestion, and more individuals being detained pretrial. In the case of innocent individuals who are charged with misdemeanors they will be faced with additional pressure by prolonged continuances to plead guilty just to get out of jail rather than risk losing their employment and housing.

While we share the author and sponsors concerns about individuals suffering from dementia, AB 2052 would wreck absolute havoc with misdemeanor calendars. As public defenders in large urban counties can attest, misdemeanor calendars frequently hear over 100 cases a day...

AB 2052 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. As such, AB 2052 contravenes the core legislative intent of Section 1050. Subdivision (a) 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” under subdivision (g)(2) of Section 1050 would only cause more delay, more congestion, more hardship, and longer periods of presentence confinement for criminal defendants.

-- END --