
THIRD READING

Bill No: AB 2052
Author: Stefani (D)
Amended: 8/4/26 in Senate
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 6-0, 6/9/26
AYES: Arreguín, Seyarto, Caballero, Cortese, Pérez, Wiener

ASSEMBLY FLOOR: 70-0, 4/23/26 - See last page for vote

SUBJECT: Criminal procedure: continuances

SOURCE: Alzheimer's Association

DIGEST: This bill expands 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 a felony case of elder or dependent adult abuse, if the victim is cognitively impaired.

Senate Floor Amendments of 8/3/26 are chaptering amendments that incorporate changes from AB 1656, which requires a 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.

ANALYSIS:

Existing law:

- 1) 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 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. (Penal [Pen.] Code, § 368, subd. (b)(1).)

- 2) 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).)
- 3) 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).)
- 4) 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 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).)
- 5) 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).)
- 6) 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).)

- 7) 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, subds. (a)(1)-(3).)
- 8) 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).)
- 9) 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).)
- 10) 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).)
- 11) 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).)

- 12) 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).)
- 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 expands 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 a felony case of elder or dependent adult abuse, if the victim is cognitively impaired.

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, subds. (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. 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.

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, specified 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 expands 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 a felony case of elder or dependent adult abuse, if the victim is cognitively impaired. For purposes of this bill, “cognitive impairment” means significant destruction of brain tissue with resultant loss of brain function. Examples of causes of the impairments include dementia, Alzheimer’s disease, cerebrovascular diseases such as stroke or aneurysm, degenerative diseases such as Parkinson’s disease, Huntington’s disease, and multiple sclerosis, or traumatic brain injury.

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.

Notably, other vertical prosecution programs have been implemented without requiring good cause continuances. 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. These offices have implemented vertical prosecution models for a category of offense—retail theft—where there is no requirement for good cause continuances.

Furthermore, 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. 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. 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.

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

SUPPORT: (Verified 8/3/26)

Alzheimer's Association (source)
Alzheimer's Greater Los Angeles
Alzheimer's Orange County
Alzheimer's San Diego
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 District Attorneys Association
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 County District Attorney's Office
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: (Verified 8/3/26)

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

ASSEMBLY FLOOR: 70-0, 4/23/26

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

NO VOTE RECORDED: Addis, Bonta, Bryan, Caloza, Elhawary, Hart, Kalra, McKinnor, Celeste Rodriguez, Wicks

Prepared by: Marshal Lawler / PUB. S. /
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