

Date of Hearing: April 7, 2026
Counsel: Kimberly Horiuchi

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

AB 2147 (Schiavo) – As Introduced February 18, 2026

SUMMARY: Authorizes multiple charges of sexual battery, indecent exposure, and annoying or molesting a child that occurs in more than one county to be prosecuted in the same case in any county where at least one of the offenses occurred.

EXISTING LAW:

- 1) States that, except as otherwise provided by law, the jurisdiction of every public offense is in any competent court within the jurisdictional territory of which it is committed. (Pen. Code, § 777.)
- 2) States that when a public offense is committed in part in one jurisdictional territory and in part in another, or the acts constituting or requisite to committing the offense occur in more than one territorial jurisdiction, the jurisdiction of the offense is in any competent court within either jurisdiction. (Pen. Code, § 781.)
- 3) Permits consolidation of different offenses which do not relate to the same transaction or event where there is common element of substantial importance in their commission, such as the same class of crimes. (Pen. Code, § 954.)
- 4) Allows property crimes occurring in one jurisdictional territory if property is taken to another jurisdictional territory and an arrest is made there, to be prosecuted in either jurisdiction. (Pen. Code, § 786.)
- 5) Provides that the jurisdiction of a criminal action brought by the Attorney General for theft, as defined, or for receiving stolen property, as well as all associated offenses connected in their commission of the underlying theft, shall also include the county where an offense involving the theft or receipt of the stolen merchandise occurred, the county in which the merchandise was recovered, or the county where any act was done by the defendant. (Pen. Code, § 786.5.)
- 6) Provides that if one or more violations of specified sex offenses occurs in more than one jurisdictional territory, the jurisdiction of any of those offenses, and for any offenses properly joinable with that offense, is in any jurisdiction where at least one of the offenses occurred, subject to the following conditions:
 - a) Consolidation of the cases is subject to a joinder hearing, within the jurisdiction of the proposed trial court;

- b) The prosecution presents written evidence that all district attorneys in counties with jurisdiction of the offenses agree to the venue; and,
 - c) Charged offenses from jurisdictions in which there is no written agreement from the district attorney must be returned to that county. (Pen. Code, § 784.7, subd. (a).)
- 7) Provides that if any domestic violence crime, as defined, occurs in more than one jurisdiction, and the defendant and the victim are the same for all the offenses, the jurisdiction of any of the offenses and for any offenses properly joinable with that offense is the jurisdiction where at least one of the offenses occurred, subject to the following conditions:
- a) Consolidation of the cases is subject to a joinder hearing, within the jurisdiction of the proposed trial court.
 - b) The prosecution presents written evidence that all district attorneys in counties with jurisdiction of the offenses agree to the venue.
 - c) Charged offenses from jurisdictions in which there is no written agreement from the district attorney must be returned to that county. (Pen. Code, § 784.7, subd. (b).)
- 8) Provides that if one or more specified human trafficking, pimping, and pandering offenses occurs in more than one jurisdictional territory, the jurisdiction of any of those offenses, and for any offenses properly joinable with that offense, is in any jurisdiction where at least one of the offenses occurred, subject to the following conditions:
- a) Consolidation of the cases is subject to a joinder hearing, within the jurisdiction of the proposed trial court.
 - b) The prosecution presents written evidence that all district attorneys in counties with jurisdiction of the offenses agree to the venue.
 - c) Charged offenses from jurisdictions in which there is no written agreement from the district attorney must be returned to that county.
 - d) The court must consider the location and complexity of the likely evidence, where the majority of the offenses occurred, the rights of the defendant and the people, and the convenience of, or hardship to the victim or victims and witnesses. (Pen. Code, § 784.7, subd. (c).)
- 9) States any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. (Pen. Code, 243.4, subd. (a).)
- 10) Punishes sexual battery by a term of imprisonment in a county jail for not more than once year and a fine not exceeding \$2,000 or by imprisonment in state prison for two, three, or four years and a fine not exceeding \$10,000. (*Ibid.*)

- 11) Provides that any person who willfully and lewdly, either:
- a) Exposes his person, or the private parts thereof, in any public place, or in any place where there are present other persons to be offended or annoyed thereby; or,
 - b) Procures, counsels, or assists any person so to expose himself or take part in any model artist exhibition, or to make any other exhibition of himself to public view, or the view of any number of persons, such as is offensive to decency, or is adapted to excite to vicious or lewd thoughts or acts,
- Is guilty of a misdemeanor punishable by up to six months in the county jail. (Pen. Code, § 314.)
- 12) States that upon the second or subsequent conviction of indecent exposure, or upon a first conviction of the defendant was previously convicted of child molestation, as specified, a person is guilty of a felony, and is punishable by imprisonment in state prison for a period of 16 months, two, or three years. (*Ibid.*)
- 13) Mandates that any person who annoys or molests, as defined, any child under 18 years of age be punished by a fine not exceeding \$5,000, by imprisonment in a county jail not exceeding one year, or by both the fine and imprisonment. (Pen. Code, § 647.6, subd. (a)(1).)
- 14) Provides that any person who, motivated by an unnatural or abnormal sexual interest in children, engages in conduct with an adult whom they believe to be a child under 18 years of age, which conduct, if directed toward a child under 18 years of age, would constitute annoying or molesting a child, shall be punished by a fine of \$5,000, by imprisonment in a county jail for up to one year, or by both that fine and imprisonment. (Pen. Code, § 647.6, subd. (a)(2).)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's Statement:** According to the author, “Today, jurisdiction for certain sex offenses is constricted by county, even when the same defendant commits the same type of offenses against multiple victims across county lines. Prosecutors must prosecute related cases into separate proceedings, forcing vulnerable victims and witnesses to appear multiple times, driving up costs, and most significantly, delaying justice.

“Perpetrators of sexual battery (PC 243.4), indecent exposure (PC 314), and annoying/molesting a child (PC 647.6) often prey on multiple victims across county lines. In one case, a law enforcement defendant had a pattern of driving to various schools and masturbating to children in the parking lot. In all, he spent months victimizing unsuspecting students at over two-dozen schools across two counties. He was charged with multiple violations of indecent exposure and annoying/molesting a child for some of the conduct that occurred in one county; however, the other county would be responsible for prosecuting the offenses in their own county. Although the various offenses in both counties would generally be admissible in each county per Evidence Code section 1108, this would require young,

vulnerable victims to testify multiple times in each county and would not allow for protective orders to be ordered and enforced at schools in question.

“AB 2147 would remove these obstacles to justice, permitting trial in any county where at least one offense occurred. This change will streamline multi-jurisdiction prosecutions and minimize the number of times vulnerable victims must relive traumatic experiences in court.”

- 2) **Consolidation:** An accusatory pleading may charge two or more different offenses connected in their commission, or different statements of the same offense or two or more different offenses of the same class of crimes or offenses, under separate counts, or if two or more accusatory pleadings are filed in different cases, but in the same court, the court may order them to be consolidated.

As it pertains to different crimes charged in the same county, Penal Code section 954 limits consolidation, by granting a trial court, in the interests of justice and for good cause shown, to order the different offenses or counts in the accusatory pleading be tried separately or divided into two or more groups and each of said group tried separately. (See *Belton v. Superior Court (People)* (1993) 19 Cal.App.4th 1279, 1281.)

Several statutes allow for offenses involving one defendant, the same class of offenses, and multiple victims. (See Pen. Code, §§ 784.5, 784.7, 785, 786, 786.5, 789, 790, and 791.) There are also offenses that authorize consolidation of out-of-state crimes related to terrorism, receipt of stolen property, and treason. (See Pen. Code, §§ 787, 788, 789.) Offenses that may be consolidated in one county when there are multiple victims across multiple jurisdictions include sexual assault, kidnapping, burglary, and assault with intent to commit a specified sex offense, homicide, theft, including retail theft and shoplifting, robbery, identity theft, incest, and revenge porn, among others. Consolidation based on specified offenses against a single defendant across multiple jurisdictions require District Attorneys in each county to agree to try all counts in one identified county.

AB 1779 (Irwin), Chapter 165, Statutes of 2024, expanded consolidation options for theft, including petty theft and shoplifting, as well as receipt of stolen property. (Pen. Code, § 786.5, subs. (a & b).) It also expanded the ability of county district attorneys to consolidate specified theft crimes. Penal Code section 786 allows a district attorney to seek consolidation for theft generally to include where the property was stolen and where the property ended up, as well as any contiguous county if the arrest is made in a contiguous county. However, that provision requires a defendant’s knowing waiver of venue. (Pen. Code, § 786, subd. (a).)

This bill includes masturbating in public, annoying or molesting a child, and sexual battery to the crimes that may be consolidated in any county where one of the offenses occurred subject a joinder hearing. This bill appears to be premised on cases from 2024 and 2025 where multiple offenders were masturbating in front of schools and children and then fleeing the scene. The offenders allegedly hit multiple places in Los Angeles, Riverside Orange, and San Diego County.¹

¹ <https://www.cbsnews.com/losangeles/news/orange-county-man-arrested-for-exposing-himself-to-students-as-they-walked-to-middle-school/> (as of Apr. 1, 2026); <https://fox5sandiego.com/news/local-news/man-27-arrested-for-multiple-indecent-exposure-incidents-targeting-young-girls/> (as of Apr. 1, 2026); <https://riversideca.gov/press/man-arrested-multiple-lewd-acts-near-local-school> (as of Apr. 1, 2026).

Indecent exposure is often a crime committed by a person who is mentally ill, unhoused, under the influence of medication, drugs, or alcohol, or all of the above. It is a misdemeanor unless a person has a prior conviction for masturbating in public. While Penal Code section 784.7 requires a consolidation hearing before cases may be tried in another county, it may place an exceptionally punitive burden on mentally ill and unhoused defendants.

- 3) **Vicinage and Due Process:** Vicinage means the right to trial by a jury drawn from residents of the area where the offense was committed. However, vicinage is not a “necessary feature” of the due process right to a jury trial. (See *Price v. Superior Court (People)* (2001) 25 Cal.4th 1046, 1065.) Venue and vicinage are closely related, as a jury pool is usually selected from the area in which the trial is to be held. Vicinage is not a necessary feature to the right of a jury trial as guaranteed by the Sixth Amendment to the United States Constitution because it “does not serve the purpose of protecting a criminal defendant from government oppression and is not necessary to ensure a fair trial.” (*Price, supra*, 25 Cal.4th 1046, 1065-1069.)

As explained above, venue is generally proper in the county where the crime occurred, and the law also includes several exceptions to the venue provision where multiple crimes from different counties may be tried in one county if it involves the same defendant or the same class of crimes.

This bill is premised on Penal Code section 786.5, subdivision (b) which allows for consolidating multiple theft charges in any place where one offense was committed, any place where the stolen merchandise was recovered, or any place where the defendant instigated, procured, promoted, or aided the commission of a theft offense. Subdivision (b), which is the only section available to county district attorneys, requires demonstrating that a petty theft, retail theft, or receipt stolen property may be prosecuted where: (a) an offense involving the theft or receipt of the stolen merchandise occurred; (b) the county in which the merchandise was recovered; or (c) the county where any act was done by the defendant in instigating, procuring, promoting, or aiding in the commission of a petty theft, retail theft, or receipt of stolen property, or in abetting the parties concerned in the commission. (See Pen. Code, § 786.5, subd. (b).)

If multiple offenses of theft or violations of retail theft or receipt of stolen property, either all involving the same defendant or defendants and the same merchandise, or all involving the same defendant or defendants and the same scheme or substantially similar activity, occur in multiple jurisdictions, then any of those jurisdictions are a proper jurisdiction for all of the offenses, subject to a consolidation hearing.

However, while the U.S. Constitution does not require a jury drawn from a defendant’s community to be fair, that does not mean the state has the right to try a defendant anywhere it chooses. There still must be a reasonable connection between the commission of the crime and the county where trial occurs.

The Legislature's power to designate the place for trial of a criminal offense is limited by the requirement that there be a reasonable relationship or nexus between the place designated for trial and the commission of the offense.

(*Price, supra*, at 1075, citing *Martin v. Beto* (5th Cir. 1968) 397 F.2d 741, 748.)

To suggest otherwise would be to allow prosecutors to pick any county most likely to yield a conviction without reference to where the crime occurred. The purpose of consolidation is judicial economy – to avoid victims and witnesses from testifying multiple times – it is not for prosecutorial convenience or success.

Section 784.7 expressly conditioned joinder on a hearing, pursuant to Penal Code section 954 to determine whether the charged offenses were connected together in their commission, or of the same class of crimes or offenses, and that connection supplied the necessary reasonable relationship or nexus between the place designated for trial and the commission of the offense. (*People v. Delgado* (2010) 181 Cal. App. 4th 839, 847.)

- 4) **Argument in Support:** According to the *California District Attorneys Office*: “Today, jurisdiction for certain sex offenses is constricted by county, even when the same defendant commits the same type of offenses against multiple victims across county lines. Prosecutors must prosecute related cases into separate proceedings, forcing vulnerable victims and witnesses to appear multiple times, driving up costs, and most significantly, delaying justice.

“Perpetrators of sexual battery (PC 243.4), indecent exposure (PC 314), and annoying/molesting a child (PC 647.6) often prey on multiple victims across county lines. In one case, a law enforcement defendant had a pattern of driving to various schools and masturbating to children in the parking lot. In all, he spent months victimizing unsuspecting students at over two-dozen schools across two counties. He was charged with multiple violations of indecent exposure and annoying/molesting a child for some of the conduct that occurred in one county; however, the other county would be responsible for prosecuting the offenses in their own county. Although the various offenses in both counties would generally be admissible in each county per Evidence Code section 1108, this would require young, vulnerable victims to testify multiple times in each county and would not allow for protective orders to be ordered and enforced at schools in question.

“AB 2147 would remove these obstacles to justice, permitting trial in any county where at least one offense occurred. This change will streamline multi-jurisdiction prosecutions and minimize the number of times vulnerable victims must relive traumatic experiences in court.”

- 5) **Argument in Opposition:** None submitted
- 6) **Related Legislation:** AB 1583 (Rogers) authorizes multiple charges of wage theft or labor trafficking to be consolidated and prosecuted in any county in which the victim resided at the time of the wage theft or labor trafficking, any county in which the victim was present at the time the employment contract was entered into, any county in which any portion of the work was performed, or any county in which the business or any of its locations was situated at the time of the wage theft or labor trafficking. AB 1583 is pending referral in Senate Rules Committee.

7) Prior Legislation:

- a) AB 1779 (Irwin), Chapter 165, Statutes of 2024, authorized county district attorneys to file specified theft offences in multiple jurisdictions against the same defendant or defendants.
- b) AB 1613 (Irwin), Chapter 949, Statutes of 2022, expanded the territorial jurisdiction for a criminal action brought by the Attorney General for theft, organized retail theft, receipt of stolen property or conspiracy to commit those crimes, to include the county where the theft or receipt of the stolen merchandise occurred, the county in which the merchandise was recovered, or the county where any act was done by the defendant in instigating, procuring, promoting, or aiding in the commission of the offense.

REGISTERED SUPPORT / OPPOSITION:**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 Crime Victims Assistance Association
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 County District Attorney
Riverside Police Officers Association
Riverside Sheriffs' Association

Opposition

None submitted.

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