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CONSENT

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Bill No: AB 2147  
Author: Schiavo (D)  
Introduced: 2/18/26  
Vote: 21

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SENATE PUBLIC SAFETY COMMITTEE: 6-0, 6/16/26  
AYES: Arreguín, Seyarto, Caballero, Cortese, Pérez, Wiener

ASSEMBLY FLOOR: 68-0, 4/16/26 (Consent) - See last page for vote

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**SUBJECT:** Criminal procedure: jurisdiction of public offenses

**SOURCE:** California District Attorneys Association

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**DIGEST:** This bill authorizes multiple charges of sexual battery, indecent exposure, and annoying or molesting a child that occur in more than one county to be prosecuted in the same case in any county where at least one of the offenses occurred.

**ANALYSIS:**

Existing law:

- 1) Provides 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. (Penal (Pen.) Code, § 777.)
- 2) Provides 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, includes 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-related offense, 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) Provides that 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, does either of the following, is guilty of a misdemeanor punishable by up to six months in the county jail:
- 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. (Pen. Code, § 314.)

- 12) Provides that upon the second or subsequent conviction of indecent exposure, or upon a first conviction if the defendant was previously convicted of lewd and lascivious acts on a child under 14, a person is guilty of a felony, 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. (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).)

This bill 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.

## **Background**

Territorial jurisdiction for a criminal offense is generally proper in any competent court within the jurisdictional territory where it was committed. In other words, criminal charges must normally be brought in the county where the crime is alleged to have happened. The Legislature has created several exceptions to this general rule. For example, felony sex offenses and human trafficking offenses that occur in multiple counties can be consolidated into a single trial and tried in a single county. (Pen. Code, § 784.7.) When the Legislature passes these kind of special jurisdictional rules, they are construed liberally. (*Price v. Superior Court (People)* (2001) 25 Cal.4th 1046, 1055.)

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. (Pen. Code, § 954.) 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.) 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, certain thefts, robbery, identity theft, incest, and revenge porn, among others. Consolidation based on specified offenses against a single defendant across multiple jurisdictions requires the 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, subds. (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).)

The benefits of consolidation include judicial economy and convenience to victims and witnesses who may have to testify in multiple trials. The drawbacks can include the potential prejudicial impact on the defendant because jurors may feel compelled to convict based on the number of instances or victims, rather than the strength of the prosecution's case. Convenience to some victims and witnesses may also come at the cost of inconvenience to others who live outside of the jurisdiction where the trial is held, which could include law enforcement officers from different counties that investigated each crime. Although consolidation may avoid multiple short trials, the single consolidated trial could be much longer. Additionally, not all of the individual cases may have gone to trial due to weakness

in evidence or lack of prosecutorial resources, but when all of the cases are consolidated into one trial, there is a greater likelihood that a charge with weak evidence can still result in a conviction because it is strengthened by the aggregate evidence in the other charges leading to a different outcome than would have occurred if the charge was tried separately.

This bill adds masturbating in public, annoying or molesting a child, and sexual battery to the crimes enumerated in Penal Code section 784.7 which may be consolidated in any county where one of the offenses occurred subject to a joinder hearing.

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

**SUPPORT:** (Verified 6/16/26)

California District Attorneys Association (source)  
California State Sheriffs' Association  
Riverside County District Attorney

**OPPOSITION:** (Verified 6/16/26)

None received

**ASSEMBLY FLOOR:** 68-0, 4/16/26

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

**NO VOTE RECORDED:** Arambula, Berman, Bonta, Dixon, Flora, Harabedian, Hart, Hoover, Irwin, Papan, Celeste Rodriguez, Schiavo

Prepared by: Stephanie Jordan / PUB. S. /  
6/17/26 16:28:14

\*\*\*\* END \*\*\*\*