

ASSEMBLY THIRD READING

AB 2273 (Bains)

As Amended April 23, 2026

Majority vote

SUMMARY

Requires a prosecutor to state on the record why specified charges were not sought when facts constituting offenses that would be statutorily excluded from mental health diversion are alleged in the complaint or disclosed at a preliminary hearing but the defendant is not charged with those offenses.

Major Provisions

- 1) States that when the facts alleged in the accusatory pleading or disclosed in the preliminary hearing transcript would constitute any of the excluded enumerated offenses that make a defendant categorically ineligible for mental health diversion, and the defendant has not been charged with those offenses, the prosecution shall state on the record why those charges are not being sought and whether they have conferred with the victim about the charges filed.
- 2) Requires the Department of Justice (DOJ), upon completion of an investigation of a person who holds an elected office in which the department determines the person committed specified crimes relating to rape, that the victim was a minor, and that the case is appropriate for prosecution, to bring criminal charges against that person within 30 days.
- 3) Specifies that a failure to bring charges within 30 days does not preclude prosecution at a later date.

COMMENTS**According to the Author**

No statement received.

Arguments in Support

According to *California Police Chiefs Association*, "The bill also strengthens prosecutorial accountability and transparency by requiring the California Department of Justice to bring charges within 30 days in cases involving elected officials accused of serious sexual crimes against minors, when the evidence supports prosecution. This provision promotes public trust in the justice system and ensures timely action in high-profile and sensitive cases."

Arguments in Opposition

According to *California Public Defenders Association*, "AB 2273 would require the Department of Justice to file charges within 30 days in certain cases involving elected officials and minor victims. This provision appears to be tailored to a specific factual scenario and does not reflect a neutral, statewide standard. Because the bill provides that failure to comply with this deadline does not preclude prosecution, the provision risks being largely symbolic while introducing additional complexity and potential inconsistency into prosecutorial decision-making."

"CPDA recognizes the concerns that have motivated this bill, including the risk that serious underlying conduct may not be fully reflected in the charges filed in a given case. Those concerns can and should be addressed in a manner that preserves the integrity of California's statutory framework."

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

- 1) Costs (local funds, General Fund) of an unknown but likely minor amount to county prosecuting attorneys' offices to state on the record (or in writing) the grounds for not charging an enumerated offense statutorily excluded from mental health diversion when the facts alleged in the accusatory pleading or disclosed at the preliminary hearing would constitute that offense, and to confer with the victim about the charges filed. General Fund costs will depend on whether the duties imposed by this bill constitute a reimbursable state mandate, as determined by the Commission on State Mandates.
- 2) Cost pressures (Trial Court Trust Fund) of an unknown but likely minor amount to the trial courts to receive and adjudicate prosecutor declarations on the record at arraignment or other applicable proceedings. Although courts are not funded on the basis of workload, increased pressure on the Trial Court Trust Fund may create a demand for increased funding for courts from the General Fund.
- 3) Costs (General Fund) of an unknown but likely minor amount to the DOJ to comply with the 30-day charging requirement under proposed Penal Code Section 11110, including any workload associated with prioritizing and finalizing charging decisions in qualifying cases involving elected officials accused of specified sex offenses against minors. Per the policy committee analysis, the universe of cases triggering this requirement is expected to be very small. Failure to bring charges within 30 days does not preclude later prosecution under proposed Section 11110(b), so the provision creates a deadline but no enforcement mechanism or sanction for missing it.

The Legislative Analyst's Office recently warned of General Fund structural deficits of around \$35 billion per year beginning in the 2027-28 fiscal year.

VOTES

ASM PUBLIC SAFETY: 9-0-0

YES: Schultz, Alanis, Mark González, Haney, Harabedian, Lackey, Nguyen, Ramos, Sharp-Collins

ASM APPROPRIATIONS: 15-0-0

YES: Wicks, Hoover, Bauer-Kahan, Calderon, Caloza, Ellis, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache, Ta, Tangipa

UPDATED

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