

Date of Hearing: April 21, 2026
Deputy Chief Counsel: Stella Choe

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

AB 2274 (Bains) – As Amended April 15, 2026

SUMMARY: Prohibits, in any prosecution for sex trafficking, pimping or pandering, where the victim is a minor, any plea agreement from granting immunity, leniency, anonymity, or nonprosecution to any person other than the defendant, except as provided. Specifically, **this bill:**

- 1) States that in any prosecution for sex trafficking, pimping or pandering, where the victim is a minor, no plea agreement, nonprosecution agreement, immunity agreement, or other disposition shall grant immunity, leniency, anonymity, or nonprosecution to any person other than the defendant unless that person is specifically named in the written agreement and the agreement is approved by the court after a hearing in which victims are given notice and an opportunity to be heard.
- 2) Declares this bill to be called the “Epstein Loophole Act.”
- 3) Contain Legislative findings and declarations regarding the 2008 Jeffrey Epstein prosecution.

EXISTING LAW:

- 1) Defines “plea bargaining” to mean “any bargaining, negotiation, or discussion between a criminal defendant, or their counsel, and a prosecuting attorney or judge, whereby the defendant agrees to plead guilty or nolo contendere, in exchange for any promises, commitments, concessions, assurances, or consideration by the prosecuting attorney or judge relating to any charge against the defendant or to the sentencing of the defendant.” (Pen. Code, § 1192.7, subd. (b).)
- 2) States that every plea must be made in open court, and may be oral or in writing, shall be entered upon the minutes of the court, and shall be taken down in shorthand by the official reporter if one is present. All pleas of guilty or nolo contendere to misdemeanors or felonies shall be oral or in writing. (Pen. Code, § 1017.)
- 3) States that unless otherwise provided by law, every plea shall be entered or withdrawn by the defendant personally in open court. (Pen. Code, § 1018.)
- 4) Provides that on application of the defendant at any time before judgment or within six months after an order granting probation is made if entry of judgment is suspended, the court may, and in case of a defendant who appeared without counsel at the time of the plea the court shall, for a good cause shown, permit the plea of guilty to be withdrawn and a plea of not guilty substituted. (*Ibid.*)

- 5) States that if the public offense charged is a felony not punishable with death, the magistrate shall immediately upon the appearance of counsel for the defendant read the complaint to the defendant and ask whether they plead guilty or not guilty to the offenses charged and to a previous conviction or convictions if charged. (Pen. Code, § 859a, subd. (a).)
- 6) Provides that while the charge remains pending before the magistrate and when the defendant is present, the defendant may plead guilty to the offense charged, or with the consent of the magistrate and the prosecuting attorney, plead nolo contendere to the offense charged, or to any other offense that is necessarily included in the charged offense, or to an attempt to commit the charged offense, or to any previous convictions charged. (*Ibid.*)
- 7) Provides that if the defendant subsequently files a written motion to withdraw the plea, the motion shall be heard and determined by the court before which the plea was entered. (*Ibid.*)
- 8) States that where the plea is accepted by the prosecuting attorney in open court and is approved by the court, the defendant, except as provided, cannot be sentenced on the plea to a punishment more severe than that specified in the plea and the court may not proceed as to the plea other than as specified in the plea. (Pen. Code, § 1192.5.)
- 9) Provides that if the court approves of the plea, it shall inform the defendant prior to the making of the plea that (1) its approval is not binding, (2) it may, at the time set for the hearing on the application for probation or pronouncement of judgment, withdraw its approval in the light of further consideration of the matter, and (3) in that case, the defendant shall be permitted to withdraw his or her plea if he or she desires to do so. The court shall also cause an inquiry to be made of the defendant to satisfy itself that the plea is freely and voluntarily made, and that there is a factual basis for the plea. (*Ibid.*)
- 10) States that in the interest of justice, and in order to reach a just resolution during plea negotiations, the prosecutor shall consider during plea negotiations, among other factors, the specified circumstances as factors in support of a mitigated sentence. (Pen. Code, § 1016.7.)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's Statement:** According to the author, "My 'Lords of Bakersfield' legislative package addresses the systemic failures in our criminal justice system highlighted by cases like those involving Jeffrey Epstein and former Kern County Supervisor Zachary Scrivner. For too long, the wealthy, the politically connected, and the powerful have played by a completely different set of rules in our justice system. We have watched mental health diversion be weaponized to shield abusers and keep victims in the dark, while loopholes protect monsters like Jeffrey Epstein and his accomplices. All defendants must be held to the same standard regardless of their wealth, their political connections, or their influence."
- 2) **Impetus for this Bill:** As indicated by the bill's title, the impetus for this bill is the 2008 plea deal Jeffrey Epstein received to end a federal investigation he was facing in Florida arising

out of allegations that he sexually abused dozens of underage girls in exchange for pleading guilty to prostitution charges in state court. According to the Miami Herald¹:

Not only would Epstein serve just 13 months in the county jail, but the deal — called a non-prosecution agreement— essentially shut down an ongoing FBI probe into whether there were more victims and other powerful people who took part in Epstein’s sex crimes, according to a Miami Herald examination of thousands of emails, court documents and FBI records.

The pact required Epstein to plead guilty to two prostitution charges in state court. Epstein and four of his accomplices named in the agreement received immunity from all federal criminal charges. But even more unusual, the deal included wording that granted immunity to “any potential co-conspirators” who were also involved in Epstein’s crimes. These accomplices or participants were not identified in the agreement, leaving it open to interpretation whether it possibly referred to other influential people who were having sex with underage girls at Epstein’s various homes or on his plane.

As part of the arrangement, [Alexander] Acosta [then U.S. attorney for Southern Florida] agreed, despite a federal law to the contrary, that the deal would be kept from the victims. As a result, the non-prosecution agreement was sealed until after it was approved by the judge, thereby averting any chance that the girls — or anyone else — might show up in court and try to derail it.

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As part of Epstein’s agreement, he was required to register as a sex offender, and pay restitution to the three dozen victims identified by the FBI.

The non-prosecution agreement was filed under seal in state court. After the plea deal became known, victims filed a lawsuit, known as the federal Crime Victims’ Rights suit, seeking to invalidate the non-prosecution agreement in hopes of sending Epstein to federal prison. A federal district court judge in West Palm Beach, Florida ruled that the agreement violated the federal Crime Victims’ Rights Act, and gave the government and the two victims who sued 15 days to discuss what remedy should apply in the case.² This ruling left open the possibility that the plea deal could be nullified.

Epstein was subsequently arrested on charges of sex trafficking brought by the U.S. Attorney’s Office in Manhattan and detained in a New York jail. While awaiting trial, Epstein committed suicide. Subsequently, the federal judge in the Crime Victims’ Rights suit ruled that his death rendered moot the attempts by his victims to invalidate a 12-year-old agreement not to prosecute him on federal charges.³

¹ See <https://www.miamiherald.com/news/local/article220097825.html#storylink=cpy>

² See <https://www.nytimes.com/2019/02/21/us/jeffrey-epstein-judge-prosecution-agreement.html>

³ See <https://www.nytimes.com/2019/09/16/us/epstein-ruling-florida.html>

Epstein's 2008 non-prosecution agreement was subject to public outrage and media scrutiny. The media and Congress increasingly focused attention on Acosta as the government official responsible for the non-prosecution agreement and ultimately Acosta resigned from his position as the U.S. Labor Secretary, appointed by President Trump.

This bill would prohibit, in prosecutions of sex trafficking, pimping or pandering, of a minor, any plea agreement, non-prosecution agreement, immunity agreement, or other disposition from granting immunity, leniency, anonymity, or non-prosecution to any person other than the defendant unless that person is specifically named in the written agreement and the agreement is approved by the court after a hearing in which victims are given notice and an opportunity to be heard. This committee is unaware of any instances in California where a defendant was offered a plea deal that includes a non-prosecution agreement or immunity for any third parties or anonymous persons other than the defendant.

- 3) **U.S. Department of Justice Inquiry:** In 2020, the U.S. Department of Justice (USDOJ) announced it would launch an investigation into whether prosecutors in the U.S. Attorney's Office for the Southern District of Florida improperly resolved a federal investigation into the criminal conduct of Jeffrey Epstein by negotiating and executing a federal non-prosecution agreement.⁴ In this investigation, the USDOJ's Office of Professional Responsibility (OPR) considered two distinct sets of allegations. The first relates to the negotiation, execution, and implementation of the non-prosecution agreement (NPA). The second relates to the USAO's interactions with Epstein's victims and adherence to the requirements of the Crime Victims' Rights Act. According to OPR's report⁵:

With respect to all five subjects of OPR's investigation, OPR concludes that the subjects did not commit professional misconduct with respect to the development, negotiation, and approval of the NPA. Under OPR's framework, professional misconduct requires a finding that a subject attorney intentionally or recklessly violated a clear and unambiguous standard governing the conduct at issue. OPR found no clear and unambiguous standard that required Acosta to indict Epstein on federal charges or that prohibited his decision to defer prosecution to the state. Furthermore, none of the individual terms of the NPA violated Department or other applicable standards.

As the U.S. Attorney, Acosta had the "plenary authority" under established federal law and Department policy to resolve the case as he deemed necessary and appropriate, as long as his decision was not motivated or influenced by improper factors. Acosta's decision to decline to initiate a federal prosecution of Epstein was within the scope of his authority, and OPR did not find evidence that his decision was based on corruption or other impermissible considerations, such as Epstein's wealth, status, or associations.

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⁴ See <https://www.justice.gov/opr/page/file/1336471/dl>

⁵ *Id.* at pp. ix-xi.

Nevertheless, OPR concludes that Acosta's decision to resolve the federal investigation through the NPA constitutes poor judgment. Although this decision was within the scope of Acosta's broad discretion and OPR does not find that it resulted from improper factors, the NPA was a flawed mechanism for satisfying the federal interest that caused the government to open its investigation of Epstein.

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OPR concludes that the decision to postpone notifying victims about the terms of the NPA after it was signed and the omission of information about the NPA during victim interviews and conversations with victims' attorneys in 2008 do not constitute professional misconduct. Contemporaneous records show that these actions were based on strategic concerns about creating impeachment evidence that Epstein's victims had financial motives to make claims against him, evidence that could be used against victims at a trial, and were not for the purpose of silencing victims. Nonetheless, the failure to reevaluate the strategy prior to interviews of victims and discussions with victims' attorneys occurring in 2008 led to interactions that contributed to victims' feelings that the government was intentionally concealing information from them.

After examining the full scope and context of the government's interactions with victims, OPR concludes that the government's lack of transparency and its inconsistent messages led to victims feeling confused and ill-treated by the government; gave victims and the public the misimpression that the government had colluded with Epstein's counsel to keep the NPA secret from the victims; and undercut public confidence in the legitimacy of the resulting agreement. The overall result of the subjects' anomalous handling of this case understandably left many victims feeling ignored and frustrated and resulted in extensive public criticism. In sum, OPR concludes that the victims were not treated with the forthrightness and sensitivity expected by the Department.

According to information provided by the author's office, having a clear, unambiguous statute on the books prohibiting such agreements would avoid any potential agreements from happening in the future.

- 4) **Argument in Support:** According to the *California Police Chiefs Association*, "AB 2274 addresses a critical gap in current law by prohibiting plea agreements or related dispositions that grant immunity or leniency to unnamed co-conspirators in cases involving the sexual exploitation of minors. By requiring that any such agreements explicitly identify individuals and be subject to court approval following a hearing with victim input, the bill enhances transparency and prevents the type of sweeping, undisclosed immunity that has undermined public confidence in past high-profile cases."
- 5) **Argument in Opposition:** According to the *California Public Defenders Association*, "While the protection of minors and accountability for those who exploit them are critically important goals, this bill adopts rigid measures that undermine fundamental principles of fairness, due process, and individualized justice. By limiting the ability of prosecutors and courts to resolve cases through negotiated dispositions, AB 2274 removes essential tools that are routinely used to secure cooperation, hold higher-level offenders accountable, and reach

appropriate case-specific outcomes. These restrictions may have the unintended consequence of making it more difficult—not easier—to effectively prosecute complex, multi-defendant cases.”

6) **Related Legislation:** None

7) **Prior Legislation:**

- a) AB 124 (Kamlager), Chapter 695, Statutes of 2021, relevant to this bill, required the prosecutor, during plea negotiations, to consider in support of a mitigated sentence whether the person has experienced psychological, physical, or childhood trauma, was a youth, as defined, at the time of the commission of the offense, or was a victim of intimate partner violence or human trafficking.
- b) AB 1618 (Jones-Sawyer), Chapter 586, Statutes of 2019, made a provision of a plea bargain that requires a defendant to generally waive future benefits of legislative enactments, initiatives, appellate decisions, or other changes in the law that may retroactively apply after the date of the plea, void as against public policy.
- c) AB 1343 (Thurmond), Chapter 705, Statutes of 2015, required defense counsel to provide accurate and affirmative advice about the immigration consequences of a proposed disposition and requires the prosecution, in the interests of justice, to consider the avoidance of adverse immigration consequences in the plea negotiation process as one factor in an effort to reach a just resolution.
- d) AB 267 (Jones-Sawyer), of the 2015-2016 Legislative Session, would have required the court, prior to acceptance of a guilty or nolo contendere plea to a felony offense, to inform the defendant that a conviction for a felony may result in various consequences, including, among others, the loss of certain professional licenses, prohibitions against owning or possessing a firearm, and eligibility for enlisting in the military. AB 267 was vetoed.

REGISTERED SUPPORT / OPPOSITION:

Support

California Police Chiefs Association
Peace Officers Research Association of California (PORAC)

Opposition

ACLU California Action
California Public Defenders Association
Ella Baker Center for Human Rights
Friends Committee on Legislation of California
Justice2jobs Coalition
LA Defensa
San Francisco Public Defender

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