
THIRD READING

Bill No: AB 2274
Author: Bains (D)
Amended: 4/15/26 in Assembly
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 6-0, 6/23/26
AYES: Arreguín, Seyarto, Caballero, Cortese, Pérez, Wiener

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

ASSEMBLY FLOOR: 69-0, 5/18/26 - See last page for vote

SUBJECT: Crimes: plea deals

SOURCE: Author

DIGEST: This bill prohibits, in any prosecution for human 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 specified.

ANALYSIS:

Existing law:

- 1) Defines “plea bargaining” as “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.” (Penal (Pen.) Code, § 1192.7, subd. (b).)
- 2) Provides 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. Requires all pleas of guilty or nolo contendere to misdemeanors or felonies to 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- 3) States that unless otherwise provided by law, every plea shall be entered or withdrawn by the defendant personally in open court.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without counsel at the time of the plea the court shall, for a good cause shown, permit the plea of guilty to be withdrawn and a plea of not guilty substituted.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) Specifies 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) Provides 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) Provides 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.)
- 11) Provides that 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 is void as against public policy. (Pen. Code, § 1016.8.)
- 12) Provides that the prosecution shall not negotiate a plea agreement with a defendant in a career criminal prosecution, as defined, where “plea agreement” is defined as “an agreement by the defendant to plead guilty or nolo contendere in exchange for any or all of the following: a dismissal of charges, a reduction in the degree of a charge, a change of a charge to a lesser or different crime, a specific manner or extent of punishment. (Pen. Code, § 999f, subd. (c).)
- 13) States that a person who deprives or violates the personal liberty of another with the intent to commit specified sex crimes including pimping, pandering, or child pornography, is guilty of human trafficking and shall be punished by imprisonment in the state prison for 8, 14, or 20 years and a fine of not more than \$500,000. (Pen. Code, § 236.1, subd. (b).)
- 14) Specifies that a person who causes, induces, or persuades, or attempts to cause, induce, or persuade, a person who is a minor at the time of commission of the offense to engage in a commercial sex act, with the intent to commit specified crimes including pimping, pandering, or child pornography, is guilty of human trafficking, punishable as specified.
- 15) Provides that who, knowing another person is a prostitute, lives or derives support or maintenance in whole or in part from the earnings or proceeds of the person’s prostitution, or from money loaned or advanced to or charged against that person by any keeper or manager or inmate of a house or other place where prostitution is practiced or allowed, or who solicits or receives compensation for soliciting for the person, is guilty of pimping, a felony, punishable as provided. (Pen. Code, § 266h, subd. (a).)

- 16) Provides that any person who, knowing another person is a prostitute, lives or derives support or maintenance in whole or in part from the earnings or proceeds of the person's prostitution, or from money loaned or advanced to or charged against that person by any keeper or manager or inmate of a house or other place where prostitution is practiced or allowed, or who solicits or receives compensation for soliciting for the person, when the prostitute is a minor, is guilty of pimping a minor, a felony, punishable as provided. (Pen. Code, § 266h, subd. (b).)
- 17) Provides that any person who does any of the following is guilty of pandering, a felony, punishable by imprisonment in state prison:
- a) Procures another person for the purpose of prostitution.
 - b) By promises, threats, violence, or by any device or scheme, causes, induces, persuades, or encourages another person to become a prostitute.
 - c) Procures for another person a place as an inmate in a house of prostitution or as an inmate of any place in which prostitution is encouraged or allowed within this state.
 - d) By promises, threats, violence, or by any device or scheme, causes, induces, persuades, or encourages an inmate of a house of prostitution, or any other place in which prostitution is encouraged or allowed, to remain therein as an inmate.
 - e) By fraud or artifice, or by duress of person or goods, or by abuse of any position of confidence or authority, procures another person for the purpose of prostitution, or to enter any place in which prostitution is encouraged or allowed within this state, or to come into this state or leave this state for the purpose of prostitution.
 - f) Receives or gives, or agrees to receive or give, any money or thing of value for procuring, or attempting to procure, another person for the purpose of prostitution, or to come into this state or leave this state for the purpose of prostitution. (Pen. Code, § 266i).

This bill:

- 1) Provides that in any prosecution for human trafficking, pimping or pandering in which the victim was 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.

Comments

Epstein Sweetheart Deal. Today, the multifarious and abhorrent crimes of Jeffrey Epstein are well documented and well known to the public, but nearly three decades ago, when the FBI first received a complaint about his possible criminal misconduct, Epstein was a successful financial consultant building relationships with some of the world's richest and most powerful individuals. Epstein's criminal enterprise started to come to light in March 2005, when the police in Palm Beach, Florida started investigating Epstein after the family of a 14-year-old girl reported that she was molested at his mansion. As more heinous crimes were exposed over the subsequent year, police in Palm Beach built a case against Epstein that resulted in his arrest in July 2006 after a grand jury indicted him on one count of soliciting prostitution. This relatively minor charge in the face of Epstein's alleged sexual misconduct infuriated local leaders, prompting a federal investigation, which resulted in the preparation of a 53-page, 60-count indictment based on evidence involving over 30 underage victims.

However, despite this overwhelming evidence of wrongdoing, federal prosecutors, led by United States Attorney for the Southern District of Florida Alex Acosta, entered into a secretive (and upon being made public, highly controversial) plea agreement with Epstein in which he would plead guilty to two state-level prostitution charges, register as a sex offender, and serve 18 months in county jail (of which he ultimately served 13 months) with nearly unrestricted daily work release. This plea deal also included a non-prosecution agreement that extended immunity from prosecution for federal crimes not only to Epstein but to four named co-conspirators and any unnamed "potential co-conspirators." This non-prosecution agreement essentially shut down an ongoing FBI probe into whether there were more victims and other perpetrators. As part of the arrangement, Acosta agreed that the deal would be sealed until after it was approved by the judge, keeping it from victims and preventing them from appearing in court to challenge it. It was this lenient agreement with federal prosecutors that allowed Epstein to quickly return to his life of luxury and resume his sinister criminal enterprises.

Plea Bargaining in California. California law defines "plea bargaining" as 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. When the parties agree on a plea deal, that plea must be made in open court and may be oral or in writing. When the plea is accepted by the prosecutor in open court and is approved by the judge, the defendant is barred from being sentenced more severely than specified in the plea and the court may not proceed on the plea other than specified therein. Moreover, when the court approves of a plea deal, the judge must inform the defendant prior to the making of the plea that its approval is not binding and may be withdrawn, in which case the defendant is entitled to withdraw from the agreement. The court is also required to ensure that the plea is voluntarily and freely made, and that there is a factual basis for the plea.

This bill includes several legislative findings and declarations, including an assertion that “California must ensure that no prosecutor can ever again offer, and no court can ever again approve, an “Epstein loophole” in cases involving the commercial sexual exploitation or sexual abuse of minors,” and that while “existing California law already imposes severe penalties for these crimes [...] prosecutors retain excessive discretion to down-charge, offer blanket immunity to uncharged accomplices, or agree to dispositions that result in little or no prison time.” Accordingly, this bill prohibits, in prosecutions of human trafficking, pimping or pandering in which the victim was 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.

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

SUPPORT: (Verified 8/3/26)

Arcadia Police Officers' Association
Brea Police Association
Burbank Police Officers' Association
California Association of School Police Chiefs
California Coalition of School Safety Professionals
California Narcotic Officers' Association
California Police Chiefs Association
California Reserve Peace Officers 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
Peace Officers Research Association of California
Placer County Deputy Sheriffs' Association
Pomona Police Officers' Association
Riverside Police Officers Association
Riverside Sheriffs' Association

OPPOSITION: (Verified 8/3/26)

ACLU California Action
Initiate Justice

ASSEMBLY FLOOR: 69-0, 5/18/26

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

NO VOTE RECORDED: Bryan, Calderon, Caloza, Dixon, Elhawary, Kalra, Lee, Quirk-Silva, Celeste Rodriguez, Stefani, Wicks

Prepared by: Alex Barnett / PUB. S. /
8/5/26 15:04:35

**** **END** ****