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**AB-1746 Criminal procedure: jurisdiction of public offenses.** (2017-2018)

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**Assembly Bill No. 1746**

**CHAPTER 962**

An act to amend Section 784.7 of the Penal Code, relating to criminal procedure.

[ Approved by Governor September 30, 2018. Filed with Secretary of State September 30, 2018. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 1746, Cervantes. Criminal procedure: jurisdiction of public offenses.

Existing law provides that if more than one violation of certain specified offenses occurs in more than one jurisdictional territory, and the defendant and the victim are the same for all of the offenses, jurisdiction for any of those offenses and any other properly joinable offenses may be in any jurisdiction where at least one of the offenses occurred.

This bill would add the offenses of sexual battery and unlawful sexual intercourse to the list of specified offenses to which that jurisdictional preference applies.

This bill would incorporate additional changes to Section 784.7 of the Penal Code proposed by SB 1494 to be operative as specified.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** Section 784.7 of the Penal Code is amended to read:

**784.7.** (a) If more than one violation of Section 220, except assault with intent to commit mayhem, 261, 262, 264.1, 269, 286, 288, 288a, 288.5, 288.7, or 289 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 a hearing, pursuant to Section 954, within the jurisdiction of the proposed trial. At the Section 954 hearing, the prosecution shall present written evidence that all district attorneys in counties with jurisdiction of the offenses agree to the venue. Charged offenses from jurisdictions where there is not a written agreement from the district attorney shall be returned to that jurisdiction.

(b) If more than one violation of Section 243.4, 261.5, 273a, 273.5, or 646.9 occurs in more than one jurisdictional territory, and the defendant and the victim are the same for all of the offenses, 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.

(c) If more than one violation of Section 236.1, 266h, or 266i 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 a hearing pursuant to Section 954, within the jurisdiction of the proposed trial. At the Section 954 hearing, the

prosecution shall present written evidence that all district attorneys in counties with jurisdiction of the offenses agree to the venue. Charged offenses from jurisdictions where there is not a written agreement from the district attorney shall be returned to that jurisdiction. In determining whether all counts in the complaint should be joined in one county for prosecution, the court shall 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.

**SEC. 1.5.** Section 784.7 of the Penal Code is amended to read:

**784.7.** (a) If more than one violation of Section 220, except assault with intent to commit mayhem, 261, 262, 264.1, 269, 286, 287, 288, 288.5, 288.7, or 289 or former Section 288a 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 a hearing, pursuant to Section 954, within the jurisdiction of the proposed trial. At the Section 954 hearing, the prosecution shall present written evidence that all district attorneys in counties with jurisdiction of the offenses agree to the venue. Charged offenses from jurisdictions where there is not a written agreement from the district attorney shall be returned to that jurisdiction.

(b) If more than one violation of Section 243.4, 261.5, 273a, 273.5, or 646.9 occurs in more than one jurisdictional territory, and the defendant and the victim are the same for all of the offenses, 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.

(c) If more than one violation of Section 236.1, 266h, or 266i 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 a hearing pursuant to Section 954, within the jurisdiction of the proposed trial. At the Section 954 hearing, the prosecution shall present written evidence that all district attorneys in counties with jurisdiction of the offenses agree to the venue. Charged offenses from jurisdictions where there is not a written agreement from the district attorney shall be returned to that jurisdiction. In determining whether all counts in the complaint should be joined in one county for prosecution, the court shall 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.

**SEC. 2.** Section 1.5 of this bill incorporates amendments to Section 784.7 of the Penal Code proposed by both this bill and Senate Bill 1494. That section shall only become operative if (1) both bills are enacted, without regard to the order of enactment, and become effective on or before January 1, 2019, and (2) each bill amends Section 784.7 of the Penal Code, in which case Section 1 of this bill shall not become operative.