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**AB-806 Criminal procedure: crimes in multiple jurisdictions.** (2023-2024)

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**Assembly Bill No. 806**

**CHAPTER 666**

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

[ Approved by Governor October 10, 2023. Filed with Secretary of State October 10, 2023. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 806, Maienschein. Criminal procedure: crimes in multiple jurisdictions.

Under existing law, if more than one violation of specified crimes, including unlawful intercourse with a minor and child abuse, occurs in more than one jurisdictional territory and the defendant and the victim are the same for all offenses, the jurisdiction of any of those offenses, and for any other offenses properly joinable with that offense, is in any jurisdiction where at least one of the offenses occurred. Existing law makes joinder of other specified crimes, including rape and rape of a minor, in any jurisdiction where at least one of the offenses occurred, subject to a hearing on consolidation of the offenses.

This bill would also make this provision applicable to any crime of domestic violence, as defined, and would also make the joinder in the jurisdiction where at least one of the crimes occurred subject to a hearing on consolidation of the offenses.

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, 264.1, 269, 286, 287, 288, 288.5, 288.7, or 289 or former Section 262 or 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 in the jurisdiction of the proposed trial. At the hearing pursuant to Section 954, the prosecution shall present written evidence that all district attorneys in counties with jurisdiction over 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, 646.9, or any crime of domestic violence as defined in subdivision (b) of Section 13700 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, subject to a hearing pursuant to Section 954 in the jurisdiction of the proposed trial. At the hearing pursuant to Section 954, the prosecution shall present written evidence that all district attorneys in counties with jurisdiction over 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.

(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 in the jurisdiction of the proposed trial. At the hearing pursuant to Section 954, the prosecution shall present written evidence that all district attorneys in counties with jurisdiction over 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.