

AMENDED IN SENATE APRIL 2, 2014

SENATE BILL

No. 939

**Introduced by Senator Block
(Coauthor: Senator Correa)**

February 3, 2014

An act to amend Section 784.7 of, *and to repeal Section 784.8 of*, the Penal Code, relating to criminal jurisdiction.

LEGISLATIVE COUNSEL'S DIGEST

SB 939, as amended, Block. Criminal jurisdiction.

Existing law defines human trafficking as the deprivation of the personal liberty of another person with the intent to effect a violation of certain specified sex crimes, to obtain forced labor or services, or to cause a minor to engage in a commercial sex act with the intent to effect a violation of certain specified sex crimes. Existing law requires, when more than one violation of certain specified provisions of law occurs in more than one jurisdictional territory, that jurisdiction for any of those offenses is in any jurisdiction where at least one of the offenses occurred if all district attorneys in counties with jurisdiction of the offenses agree to the venue.

This bill would include human trafficking, pimping, and pandering to the specified offenses to which the above jurisdictional requirements apply.

Existing law, when charges alleging multiple incidences of human trafficking that involve the same victim or victims in multiple territorial jurisdictions are filed in one county, requires the court to hold a hearing to consider whether the matter should proceed in the county of filing or whether one or more counts should be severed and to consider specified factors in making this decision, including the location and

complexity of the likely evidence and where the majority of the offenses occurred. Existing law requires the district attorney in the filing county to present evidence to the court that the district attorney in each county where any of the charges could have been filed has agreed that the matter should proceed in the county of filing.

This bill would delete these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

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

3 784.7. (a) If more than one violation of Section 220, except
4 assault with intent to commit mayhem, 261, 262, 264.1, 269, 286,
5 288, 288a, 288.5, or 289 occurs in more than one jurisdictional
6 territory, the jurisdiction of any of those offenses, and for any
7 offenses properly joinable with that offense, is in any jurisdiction
8 where at least one of the offenses occurred, subject to a hearing,
9 pursuant to Section 954, within the jurisdiction of the proposed
10 trial. At the Section 954 hearing, the prosecution shall present
11 evidence in writing that all district attorneys in counties with
12 jurisdiction of the offenses agree to the venue. Charged offenses
13 from jurisdictions where there is no written agreement from the
14 district attorney shall be returned to that jurisdiction.

15 ~~(b)~~
16 ~~if~~

17 (b) *If* more than one violation of Section 273a, 273.5, or 646.9
18 occurs in more than one jurisdictional territory, and the defendant
19 and the victim are the same for all of the offenses, the jurisdiction
20 of any of those offenses and for any offenses properly joinable
21 with that offense, is in any jurisdiction where at least one of the
22 offenses occurred.

23 (c) If more than one violation of Section 236.1, 266h, or 266i
24 occurs in more than one jurisdictional territory, the jurisdiction of
25 any of those offenses, and for any offenses properly joinable with
26 that offense, is in any jurisdiction where at least one of the offenses
27 occurred, subject to a hearing pursuant to Section 954, within the
28 jurisdiction of the proposed trial. At the Section 954 hearing, the
29 prosecution shall present evidence in writing that all district

1 attorneys in counties with jurisdiction of the offenses agree to the
2 venue. Charged offenses from jurisdictions where there is no
3 written agreement from the district attorney shall be returned to
4 that jurisdiction.

5 *SEC. 2. Section 784.8 of the Penal Code is repealed.*

6 ~~784.8. When charges alleging multiple violations of Section
7 236.1 that involve the same victim or victims in multiple territorial
8 jurisdictions are filed in one county pursuant to this section, the
9 court shall hold a hearing to consider whether the matter should
10 proceed in the county of filing, or whether one or more counts
11 should be severed. The district attorney filing the complaint shall
12 present evidence to the court that the district attorney in each
13 county where any of the charges could have been filed has agreed
14 that the matter should proceed in the county of filing. In
15 determining whether all counts in the complaint should be joined
16 in one county for prosecution, the court shall consider the location
17 and complexity of the likely evidence, where the majority of the
18 offenses occurred, the rights of the defendant and the people, and
19 the convenience of, or hardship to, the victim or victims and
20 witnesses.~~

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23 CORRECTIONS:

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