

**ASSEMBLY BILL**

**No. 1708**

---

---

**Introduced by Assembly Member Gonzalez**

January 25, 2016

---

---

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1708, as introduced, Gonzalez. Criminal actions: venue.

Existing law governs venue in criminal actions. If more than one violation of any of specified criminal offenses occurs in more than one jurisdictional territory, the jurisdiction of any one of those offenses, and of any offenses properly joinable with that offense, shall be in any jurisdiction where at least one of the offenses occurred, as specified.

This bill would make technical, nonsubstantive changes to those 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~~ *shall be* in any  
8 jurisdiction where at least one of the offenses occurred, subject to  
9 a hearing, pursuant to Section 954, within the jurisdiction of the

1 proposed trial. At the Section 954 hearing, the prosecution shall  
 2 present written evidence that all district attorneys in counties with  
 3 jurisdiction of the offenses agree to the venue. Charged offenses  
 4 from jurisdictions ~~where there is no~~ *that do not have a* written  
 5 agreement from the district attorney shall be returned to that  
 6 jurisdiction.

7 (b) If more than one violation of Section 273a, 273.5, or 646.9  
 8 occurs in more than one jurisdictional territory, and the defendant  
 9 and the victim are the same for all of the offenses, the jurisdiction  
 10 of any *one* of those ~~offenses~~ *offenses*, and ~~for~~ *of* any offenses  
 11 properly joinable with that offense, ~~is~~ *shall be* in any jurisdiction  
 12 where at least one of the offenses occurred.

13 (c) If more than one violation of Section 236.1, 266h, or 266i  
 14 occurs in more than one jurisdictional territory, the jurisdiction of  
 15 any *one* of those offenses, and ~~for~~ *of* any offenses properly joinable  
 16 with that offense, ~~is~~ *shall be* in any jurisdiction where at least one  
 17 of the offenses occurred, subject to a hearing pursuant to Section  
 18 954, within the jurisdiction of the proposed trial. At the Section  
 19 954 hearing, the prosecution shall present written evidence that  
 20 all district attorneys in counties with jurisdiction of the offenses  
 21 agree to the venue. Charged offenses from jurisdictions ~~where~~  
 22 ~~there is no~~ *that do not have a* written agreement from the district  
 23 attorney shall be returned to that jurisdiction. In determining  
 24 whether all counts in the complaint should be joined in one county  
 25 for prosecution, the court shall consider the location and complexity  
 26 of the likely evidence, where the majority of the offenses occurred,  
 27 the rights of the defendant and the people, and the convenience  
 28 of, or hardship to, the victim or victims and witnesses.