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WHEREAS, any official position of the City of Los Angeles, with respect to legislation, rules, regulations, or policies proposed to or pending before a local, state, or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council; and

WHEREAS, in *People v. Reynoza* (2024) 15 Cal.5th 982, 1013, the California Supreme Court decided that a violation of Penal Code section 136.1(b)(2) for attempting to dissuade or intimidate a victim or witness from assisting the prosecution only applied to acts that occurred prior to the filing of criminal charges.

WHEREAS, in *People v. Reynoza*, the California Supreme Court held, “where criminal charges have already been filed, postcharging dissuasion alone does not constitute an offense under section 136.1(b)(2).” (*Id.* At 1013.); and

WHEREAS, when Penal Code section 136.1 was first enacted in 1980, the Legislative Analyst’s analysis suggested that section 136.1 would apply after criminal charges are filed and make it a violation “to knowingly and maliciously prevent or dissuade (or attempt to prevent or dissuade) a witness to, or victim of, a crime from (1) attending or giving testimony at any legal proceeding or (2) assisting law enforcement or prosecution activities.” (Legis. Analyst, analysis of Assem. Bill No. 2909 (1979-1980 Reg. Sess.), May 10, 1980, p. 1 (emphasis added)); and

WHEREAS, the ability to prosecute attempted witness intimidation and dissuasion is essential to the proper functioning and integrity of the criminal justice system; and

WHEREAS, the enactment of Penal Code section 136.1 was intended, in part, to protect victims and witnesses so they would report crimes; and

WHEREAS, the intimidation and dissuasion of witnesses and victims, especially in the context of a domestic violence case, frequently occurs after criminal charges have already been filed; and

WHEREAS, Assembly Bill (AB) 535 (Schiavo), introduced on February 11, 2025, clarifies that a violation of Penal Code section 136.1(b)(2) would apply after criminal charges are filed by prohibiting anyone from preventing or dissuading, or attempting to prevent or dissuade, a witness or victim from either causing a complaint, indictment, information, or probation or parole violation to be sought and prosecuted, or assisting in the prosecution thereof; and

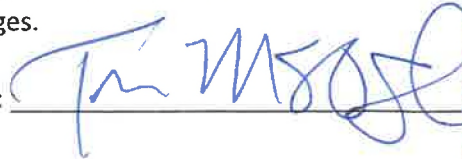
NOW, THEREFORE, BE IT RESOLVED, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2024-2025 State Legislative Program SUPPORT for AB 535 (Schiavo) which would restore legal protections for victims and witnesses and protect the necessary role of crime victims and witnesses in the criminal justice system at all stages of the process, not just at the discrete moment during which an offender anticipates the filing of criminal charges.

PRESENTED BY:


BOB BLUMENFELD

Councilmember, 3rd District

SECONDED BY:



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