



Current Legislative Agenda

SB 243 Expert Witnesses

On January 21, 2021, Senator Scott Wiener (D-San Francisco) introduced NCIP co-sponsored SB 243, which would amend the standards used for evaluating expert testimony and forensics in court pre- and post-conviction. **Faulty forensic** and scientific evidence, provided by expert witnesses, are the second most common reason that individuals are wrongfully convicted for crimes they did not commit. Today, courts have discretion over which expert testimonies are admissible. Studies show that courts accept most forensic science and expert testimony without sufficient scrutiny, leaving significant room for imprecision and human error. This error leads to the high rate of false convictions. Expert testimony that fails to rely on sound logic should not be considered expert testimony at all.

To read SB 243, as introduced, [click here](#).

To read Senator Wiener's press release about the introduction of the legislation, [click here](#).

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AB 679 Testimony of In-Custody Informants

On February 12, 2021, Assemblymember Laura Friedman (D-43rd District) and co-author Senator Weiner (D-San Francisco) introduced NCIP co-sponsored AB 679, which would prevent law enforcement from using jailhouse informants to secure convictions that would improve the integrity of criminal investigations and help restore trust between law enforcement and the public. It will also ensure that the constitutional rights of the accused are preserved, that guilty people are held accountable, and that the innocent are not wrongfully convicted. Jailhouse **informants** are a leading contributing factor to wrongful convictions. Jailhouse informants are people in custody with the defendant who provide testimony often claiming that the defendant provided incriminating information or confessed to the crime. Jailhouse informants typically receive a benefit in exchange for their testimony, and therefore are "notoriously unreliable." This issue is very real to our work and our clients: NCIP's longest-held client was wrongly imprisoned for 34 years because of the testimony of two career jailhouse informants. On October 11, 2019 he finally walked free after nearly three decades of fighting against the false claims of the informants.

To read AB 679, as introduced, [click here](#).

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SB 446 Factual Innocence

On February 16, 2021, Senator Steve Glazer (D-7th District) and co-author Senator Josh Becker (D-13th District) introduced NCIP co-sponsored SB 446, which would add factual innocence as an additional basis for habeas corpus relief and would require a petitioner to establish their factual innocence by clear and convincing evidence, as defined, that no reasonable jury would have found them guilty beyond a reasonable doubt. The bill would make a finding of factual innocence at an uncontested hearing binding on the California Victim Compensation Board for purposes of a claim. The bill would require the board to order compensation if it finds the claimant has established by a preponderance of the evidence that no reasonable jury would find the person guilty beyond a reasonable doubt had they heard the evidence now before the board. The bill would require the court to include in the sealed records that the person was found factually innocent.

To read SB 446, as introduced, [click here](#).

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AB 760 Friction Ridge Impressions (Fingerprints)

On February 16, 2021, Assemblymember Tom Lackey (R-36th District) introduced NCIP co-sponsored AB 760, which would allow a person who was convicted of a felony and is currently serving a term of imprisonment to request the performance of friction ridge processing (fingerprints) and examination to develop, search, and compare friction ridge impressions. The convicted person or their counsel may order the prosecutor, police agencies, and law enforcement laboratories to make all reasonable efforts to provide, copies of friction ridge examination reports, copies of evidence logs, and other specified documents. The bill would require a court to grant a motion for friction ridge processing, examination, or database searching if it determines that the request would raise a reasonable probability that, in light of all of the evidence, the convicted person's verdict or sentence would have been more favorable if the results had been available at the time of conviction.

To read AB 760, as introduced, [click here](#).

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Northern California Innocence Project
500 El Camino Real, Santa Clara, CA 95053
Tax ID# 94-1156617