

Date of Hearing: June 13, 2023
Counsel: Liah Burnley

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Reginald Byron Jones-Sawyer, Sr., Chair

SB 78 (Glazer) – As Amended June 6, 2023

SUMMARY: Authorizes a person to move the court for a finding that they are entitled to approval of a claim for wrongful conviction compensation. Specifically, **this bill:**

- 1) Provides that, if the court has granted a writ of habeas corpus or vacated a judgment, and the charges against the person have been dismissed or the person has been acquitted on retrial, the person may move the court for a finding that they are entitled to approval of a claim for wrongful conviction compensation.
- 2) Requires the court to grant the motion, unless the district attorney objects to the motion within 15 days, and can establish by clear and convincing evidence that the person committed the acts constituting the offense and is therefore not entitled to wrongful conviction compensation.
- 3) States that a conviction reversed and dismissed is no longer valid, thus the district attorney may not rely on the fact that the state still maintains that the person is guilty of the crime, that the state defended the conviction, or that there was a conviction to establish that the person is not entitled to wrongful conviction compensation. The district attorney may not rely solely on the trial record to establish that the person is not entitled to wrongful conviction compensation.
- 4) Provides that the district attorney may request a single 30-day extension of time upon a showing of good cause to object to the motion, and an extension beyond this period may be given if agreed upon by stipulation between parties.
- 5) Requires the court to grant the motion if the district attorney does not object or if the district attorney fails to meet its burden to establish by clear and convincing evidence that the person committed the offense.
- 6) Provides that, if the motion is granted, upon application by the person, the California Victim Compensation Board (CalVCB), shall without a hearing, approve wrongful conviction compensation payment to the person, if sufficient funds are available, upon appropriation by the Legislature.
- 7) States that the district attorney shall provide notice to the Attorney General (AG) no fewer than seven days prior to entering into a stipulation of facts that will be the basis for the granting of a writ of habeas corpus or a motion to vacate the judgement. Clarifies that a response from the AG is not required to proceed with the stipulation.

- 8) Extends the deadline for CalVCB to calculate compensation and approve wrongful conviction compensation payment from 30 days to 90 days.
- 9) Allows the AG to request an extension of the 45-day deadline to object to specified applications for wrongful conviction compensation before CalVCB. Time needed to obtain and review juvenile records may establish good cause for an additional 45-day extension upon a showing that through the exercise of due diligence the AG's office is unable to obtain sufficient documents for the review.
- 10) Extends the deadline for CalVCB to approve payment from 60 days to 90 days, for claims for wrongful conviction compensation where the AG is authorized, but declines to object.
- 11) Allows CalVCB to request additional documents or arguments from both parties as needed to calculate wrongful conviction compensation payments.
- 12) Makes technical and conforming changes that delete the requirement that CalVCB recommend to the Legislature that an appropriation be made and the claim for of wrongful compensation be paid, and instead requires CalVCB to approve payment of wrongful compensation claims, as specified, if sufficient funds are available upon appropriation by the Legislature.

EXISTING LAW:

- 1) Provides that, in any case where a person has been arrested, and an accusatory pleading has been filed, but where no conviction has occurred, the person may, at any time after dismissal, petition the court for a declaration of factual innocence, as specified. (Pen. Code, §§ 851.8, subs. (b)-(d), 851.86.)
- 2) Provides that, if a person has secured a declaration of factual innocence from the court the finding shall be sufficient grounds for payment of wrongful conviction compensation. Upon application by the person, CalVCB shall, without a hearing, recommend to the Legislature that an appropriation be made and the claim be paid, as specified. If a declaration of factual innocence is granted pursuant to a stipulation of the prosecutor, CalVCB has a duty to, without a hearing, recommend to the Legislature payment of the claim. (Pen. Code, § 851.865.)
- 3) Provides that if a person has secured a declaration of factual innocence from the court, then CalVCB shall, within 30 days of presentation of the claim for wrongful conviction compensation, approve payment if sufficient funds are available, upon appropriation by the Legislature. (Pen. Code, § 4902, subd. (a).)
- 4) Authorizes a person unlawfully imprisoned or restrained to prosecute a writ of habeas corpus, for, but not limited to, the following reasons:
 - a) False evidence that is substantially material or probative on the issue of guilt or punishment was introduced against the person at a hearing or trial relating to the person's incarceration;

- b) False physical evidence, believed by the person to be factual, probative, or material on the issue of guilt, which was known by the person at the time of entering a plea of guilty, which was a material factor directly related to the plea of guilty by the person;
 - c) New evidence exists that is credible, material, presented without substantial delay, and of such decisive force and value that it would have more likely than not changed the outcome at trial; or,
 - d) A significant dispute has emerged or further developed in the person's favor regarding expert medical, scientific, or forensic testimony that was introduced at trial and contributed to the conviction, such that it would have more likely than not changed the outcome at trial. (Pen. Code, § 1473.)
- 5) Authorizes a person no longer unlawfully imprisoned or restrained to prosecute a motion to vacate a judgment if there is:
- a) Newly discovered evidence of fraud by a government official the completely undermines the prosecution's case points unerringly to the person's innocence;
 - b) Newly discovered evidence that a government official testified falsely at the trial that resulted in the conviction and was substantially probative on the issue of guilt or punishment; or,
 - c) There is newly discovered evidence of misconduct by a government official that resulted in fabrication of evidence that was substantially material and probative on the issue of guilt or punishment. (Pen. Code, § 1473.6.)
- 6) Authorizes a person who is no longer in criminal custody to file a motion to vacate a conviction or sentence where newly discovered evidence of actual innocence exists. (Pen. Code, § 1473.7, subd. (a)(2).)
- 7) Provides that if the district attorney or the AG stipulates to or does not contest the factual allegations underlying one or more grounds for granting a writ of habeas corpus or a motion to vacate, the facts underlying the basis for the court's ruling shall be binding on the AG, the factfinder, and CalVCB. (Pen. Code, §§ 1485.5, subd. (a).)
- 8) Provides that the district attorney shall provide notice to the AG prior to entering into a stipulation of facts that will be the basis for the granting of a writ of habeas corpus or a motion to vacate. (Pen. Code, § 1485.5, subd. (b).)
- 9) States that the express factual findings made by the court in considering a petition for habeas corpus, a motion to vacate, or an application for a certificate of factual innocence, shall be binding on the AG, the factfinder, and CalVCB. (Pen. Code, §§1485.5, subd. (c), 4903, subd. (c).)
- 10) Provides that, if a court grants a writ of habeas corpus or vacates a judgment, and the court has found that the person is factually innocent, that finding shall be binding on the CalVCB for a claim presented to it for wrongful conviction compensation, and upon application by the person, CalVCB shall, without a hearing, recommend to the Legislature that an appropriation

be made and the claim for wrongful conviction compensation be paid, as specified. (Pen. Code, § 1485.55, subd. (a).)

- 11) Provides that if a court has granted a writ of habeas corpus or vacated a judgment, and the court has found that the person is factually innocent, CalVCB shall, within 30 days of presentation of the claim for wrongful conviction compensation, approve payment if sufficient funds are available, upon appropriation by the Legislature. (Pen. Code, § 4902, subd. (a).)
- 12) Provides that, if a court has granted a writ of habeas corpus or vacated a judgment, the person may move for a finding of factual innocence by a preponderance of the evidence that the crime with which they were charged was either not committed at all or, if committed, was not committed by the person. If the court makes a finding that the person has proven their factual innocence by a preponderance of the evidence, CalVCB shall, without a hearing, recommend to the Legislature that an appropriation be made and the claim for wrongful conviction compensation be paid, as specified. (Pen. Code, § 1485.55, subds. (b), (c).)
- 13) Provides that if a court has granted a writ of habeas corpus or vacated a judgment, and the court makes a finding that the person has proven their factual innocence by a preponderance of the evidence, CalVCB shall, within 30 days of presentation of the claim for wrongful conviction compensation, approve payment if sufficient funds are available, upon appropriation by the Legislature. (Pen. Code, § 4902, subd. (a).)
- 14) Provides that, if a federal court, after granting a writ of habeas corpus finds the person factually innocent by no less than a preponderance of the evidence that the crime with which they were charged was either not committed at all or, if committed, was not committed by the person, CalVCB shall, without a hearing, recommend to the Legislature that an appropriation be made and the claim for wrongful conviction compensation be paid. (Pen. Code, § 1485.55, subd. (e).)
- 15) Provides that, if a court grants a writ of habeas corpus or vacates a judgment, and the court has not found that the person is factually innocent, and the charges were subsequently dismissed, or the person was acquitted of the charges on a retrial, CalVCB shall, upon application by the person, and without a hearing, approve payment for wrongful conviction compensation, if sufficient funds are available, upon appropriation by the Legislature, unless the AG objects in writing, within 45 days from when the person files the claim. Upon receipt of the objection, CalVCB shall set a hearing on the claim, as specified. At the hearing, the AG bears the burden of establishing with clear and convincing evidence that the person is not entitled to compensation and that the person committed the offense. The person may introduce evidence in support of their claim. (Pen. Code, §§ 4900, subd. (b), 4902, subd. (d), & 4903, subd. (b).)
- 16) States that a conviction reversed and dismissed is no longer valid, thus the AG may not rely on the fact at the hearing before CalVCB that the state still maintains that the person is guilty of the crime, that the state defended the conviction through court litigation, or that there was a conviction to establish that the person is not entitled to compensation. The AG may also not rely solely on the trial record to establish that the person is not entitled to compensation. (Pen. Code, § 4903, subd. (d).)

- 17) Requires, if the evidence shows that person did not commit the offense, or if the AG has not met the burden of proving by clear and convincing evidence that the person committed the offense, and CalVCB has found that the person sustained injury through their erroneous conviction and imprisonment, CalVCB to approve payment for wrongful conviction compensation if sufficient funds are available, upon appropriation by the Legislature. (Pen. Code, § 4904, subd. (a).)
- 18) Sets the amount of the payment for wrongful conviction compensation at \$140 per day of incarceration served, as specified. (Pen. Code, § 4904, subd. (a).)

FISCAL EFFECT:

COMMENTS:

- 1) **Author's Statement:** According to the author, “The signing of SB 446 into law created a more just and equitable compensation process by transferring the responsibility of proof from the wrongfully convicted individual to the Attorney General in compensation proceedings that proceed in front of the Victim’s Compensation Board. Individuals who have claimed compensation are granted the presumption of innocence by law if their conviction has been overturned. Current law requires the Attorney General to object to only those claims in which they believe the person should not be compensated. If the Attorney General chooses to object to the individual’s claim, there must be sufficient, clear, and concise evidence proving the decision to not grant compensation.

“However, while SB 446 constructed a fair shift to the Attorney General’s office in compensation proceedings in front of the VCB, the law did not allocate the burden to the District Attorney’s office if a wrongfully convicted person instead chose to pursue the existing process through the court.

“This oversight has unintentionally tipped the scales to a more fair and efficient process in the VCB rather than having the same fair and efficient process in the court. The potential for incentivizing wrongfully convicted individuals to go through the VCB rather than the courts, likely places an unbalanced burden on the Attorney General’s office to handle these cases rather than them being equitably distributed through the processes.”

- 2) **Wrongful Conviction Compensation:** Proponents have characterized this bill as creating parity between “California’s two compensation systems.” However, California does not have two compensation systems. Pursuant to Penal Code sections 4900 through 4906, CalVCB is the sole agency responsible for processing claims from persons seeking compensation for wrongful convictions. The amount of the payment is \$140 per day of incarceration served. (Pen. Code, § 4904, subd. (a); see also CalVCB, *Claims for Erroneously Convicted Persons* <<https://victims.ca.gov/legal/pc4900/>> [June 1, 2023].)

Whether CalVCB will process a claim without a hearing depends on if a court has found the person factually innocent. If the person has first obtained a declaration of factual innocence from a court, this finding is binding on the CalVCB. (Pen. Code, §§ 851.86, 851.865, 4902, subd. (a)). No hearing is required; the finding is sufficient grounds for payment of compensation. (*Ibid.*) Similarly, if the court has granted a writ of habeas corpus or vacated a judgment, and in either of those proceedings found that the person is factually innocent, the

finding is binding on the CalVCB and is sufficient grounds for payment of compensation without a hearing. (Pen. Code, §§ 1485.55, subd. (a), 4902, subd. (a).) Additionally, a person who has had a writ of habeas corpus granted or their judgment vacated can move the court for a finding of factual innocence prior to submitting a compensation claim to CalVCB. (Pen. Code, §§ 1485.55, subd. (b).) In this instance, the person has the burden in court to prove by a preponderance of the evidence that they did not commit the crime. (*Ibid.*) If the court grants the motion and finds the person factually innocent, the finding is binding on CalVCB and is sufficient grounds for payment of compensation without a hearing. (Pen. Code, § 4902, subd. (a).) Otherwise put, “a recommendation for compensation [by CalVCB is] automatically mandated without a hearing and within 30 days, if a court has found the claimant to be factually innocent of the challenged conviction. (CalVCB, *Claims for Erroneously Convicted Persons* <<https://victims.ca.gov/legal/pc4900/>> [June 1, 2023].)

Alternatively, for all other claims, CalVCB may be required to hold a hearing. (Pen. Code, § 4900, subd. (a).) In claims where a court has granted a writ of habeas corpus or a motion to vacate, but the court did not find the person factually innocent, CalVCB is required to, without a hearing, approve payment to the claimant if sufficient funds are available, upon appropriation by the Legislature, unless the AG objects to the claim. (Pen. Code, §§ 4900 subd. (b), 4902, subd. (d), 4903, subd. (b).) Upon receipt of the AG’s objection, CalVCB must set a hearing of the claim (*Ibid.*) At a hearing, the AG bears the burden of proving by clear and convincing evidence that the person committed the offense, and is therefore not entitled to wrongful conviction compensation. (*Ibid.*) If the AG fails to meet this burden, CalVCB is required approve payment, if sufficient funds are available upon appropriation by the Legislature. (*Ibid.*) “[A] recommendation for compensation is required absent clear and convincing proof of the claimant’s guilt.” (CalVCB, *Claims for Erroneously Convicted Persons* <<https://victims.ca.gov/legal/pc4900/>> [June 1, 2023].)

This bill would create an additional pathway for individuals who did not obtain a finding of factual innocence in court, to get wrongful conviction compensation from CalVCB without a hearing at CalVCB. Specifically, this bill would allow, if the court has granted a writ of habeas corpus or vacated a judgment, the person may move the court for a finding that they are entitled to approval of a claim for wrongful conviction compensation. If the court grants the motion, the finding would be binding on CalVCB, and upon application, CalVCB would be required to approve payment the claim, without holding a hearing. In so doing, this bill would allow individuals who have had their convictions overturned, but have not been found factually innocent by the court, to choose to litigate their entitlement to wrongful conviction compensation in court or at CalVCB. In either case, the person would still be required to apply to CalVCB for payment of the claim.

- 3) **Parity with SB 466 (Glazer):** SB 446 (Glazer), Chapter 490, Statutes of 2021, which passed the Legislature with bipartisan support, changed the process within CalVCB related to hearings for wrongful conviction compensation claims by shifting the burden onto the AG to prove that the person is not entitled to compensation.

As discussed above, this bill would create an additional route for individuals to obtain wrongful conviction compensation in cases where their conviction has been overturned, but the court has not issued a finding of factual innocence. This bill would authorize these individuals to choose to litigate the issue of their entitlement to wrongful conviction compensation in court against the district attorney, instead of against the AG before CalVCB.

This bill puts similar requirements on the district attorney litigating the matter in court, as the requirements SB 446 put on the AG litigating the matter before CalVCB. Specifically, this bill includes the following:

- This bill requires the court to grant the motion, unless the district attorney objects within 15 days. In comparison, SB 446 required CalVCB to approve the claim unless the AG objects within 45 days. (Pen. Code, § 4902, subd. (d).)
- This bill requires the district attorney to establish by clear and convincing evidence that the person committed the offense. In comparison, SB 446 provided that the AG must establish by clear and convincing evidence that the person committed the offense. (Pen. Code, § 4902, subd. (d).)
- This bill requires the court to grant the motion if district attorney fails to meet its burden. This bill further provides that if the motion is granted, upon application, CalVCB is required to approve the claim for wrongful conviction compensation. In comparison, SB 446 provided that, if the AG fails to meet its burden, CalVCB is required to approve the claim for wrongful conviction compensation. (Pen. Code, §§ 4904 & 4902, subd. (d).)
- This bill states that the district attorney may not rely on the fact that the state still maintains that the person is guilty of the crime for which they were wrongfully convicted, that the state defended the conviction against the person through court litigation, or that there was a conviction to establish that the person is not entitled to compensation. The district attorney may not rely solely on the trial record to establish that the person is not entitled to compensation. In comparison, SB 446 provided that, the AG not rely on the fact that the state still maintains that the person is guilty of the crime for which they were wrongfully convicted, that the state defended the conviction against the person through court litigation, or that there was a conviction to establish that the person is not entitled to compensation. The AG may not rely solely on the trial record to establish that the claimant is not entitled to compensation. (Pen. Code, § 4903 (d).)

- 4) **Veto of SB 981 (Glazer):** SB 981 (Glazer), of the 2021-2022 Legislative Session, was substantially similar to this bill. SB 981 received bipartisan support in the Legislature, but was vetoed by the Governor. The Governor's veto message explained:

The 2022 Budget included an improvement in the payment process for the erroneously convicted, allowing them to receive their compensation more quickly. This bill would unintentionally reverse part of that new payment process. If this bill is signed, some claimants will have their compensation delayed by several months, or in some cases, up to a year. I look forward to the author submitting a new bill next year on this issue.

For these reasons, I cannot sign this bill.

Specifically, AB 160 (Committee on Budget), Chapter 771, Statutes of 2022, changed the process for payment of wrongful conviction compensation. Before AB 160, CalVCB was

statutorily required to report the facts of the case and its conclusions to the Legislature with a recommendation that the Legislature make an appropriation for payment of the claim. For the claim to be paid, an act making an appropriation for the claim had to be introduced by the Legislature, passed by each house, and approved by the Governor.

AB 160 eliminated the requirement for CalVCB to make recommendation for the claim to be paid by the Legislature. Instead, AB 160 authorized CalVCB to directly approve payment to the person, if sufficient funds are available, upon appropriation by the Legislature. In so doing, AB 160 streamlined the process for exonerees to receive wrongful conviction compensation. AB 160 was signed by the Governor and SB 981 was vetoed by the Governor that same day.

SB 981 would have retained language requiring CalVCB to make a recommendation to the Legislature for payment of the wrongful compensation claims. Accordingly, as the Governor indicated in his veto message, SB 981 would have undone some of the changes made by AB 160.

This bill addresses the Governor's concerns and is consistent with the changes made by AB 160. For individuals who secure a court order that they are entitled to wrongful conviction compensation, CalVCB will be required to approve payment, if sufficient funds are available, upon appropriation by the Legislature. This bill also makes necessary conforming changes to related code sections that were not addressed in AB 160, including Penal Code section 851.865, relating to declarations of factual innocence, and Penal Code section 1485.55 subdivisions (a), (c), and (e) relating to findings of factual innocence made by the court in motions to vacate and writs of habeas corpus.

- 5) **Writs of Habeas Corpus and Motions to Vacate:** The writ of habeas corpus is a process guaranteed by both the federal and state Constitutions to obtain prompt judicial relief from unlawful imprisonment or restraint. After having been released from imprisonment or other restraint, the writ of habeas corpus is no longer available to challenge a conviction. However, other means are available to challenge the conviction. This includes a motion to vacate. (Pen. Code, §§ 1473.6, 1473.7.)

If the district attorney or the AG stipulates to or does not contest the factual allegations underlying one or more of the grounds for granting a writ of habeas corpus or motion to vacate, the facts underlying the basis for the court's ruling or order are binding on the AG, the factfinder, and CalVCB. (Pen. Code, § 1485.5 subd. (a).) Likewise, the express factual findings made by the court, including credibility determinations, during proceedings on a petition for habeas corpus or motion to vacate, are binding on the AG, the factfinder, and CalVCB. (Pen. Code, § 1485.5 subd. (c).) The district attorney is required to provide notice to the AG prior to entering into a stipulation of facts that will be the basis for the granting of a writ of habeas corpus or motion to vacate. (Pen. Code, § 1485.5 subd. (b).) If the court grants the writ of habeas corpus or motion to vacate and found that the person is factually innocent, CalVCB is required to, within 30 days, and without a hearing, recommend to the Legislature that an appropriation be made and the claim paid. (Pen. Code, §§ 1485.55, subd. (a), 4902, subd. (a).)

This bill would provide that the district attorney shall provide notice to the AG no fewer than seven days before entering into a stipulation of facts that will be the basis for granting the

writ of habeas corpus or motion to vacate and provides that a response from the AG is not required to proceed with the stipulation. This bill would make technical and conforming changes that remove the requirement that a recommendation be made to the Legislature, and instead provide that CalVCB shall approve payment if sufficient funds are available, upon appropriation by the Legislature.

- 6) **Declarations and Findings of Factual Innocence:** A person can petition for a declaration of factual innocence from the court if the person is arrested but no conviction occurred. (Pen. Code, §§ 851.8, 851.86, 851.865.) In any court hearing to determine the factual innocence of a party, the initial burden of proof shall rest with the petitioner to show that no reasonable cause exists to believe that the arrestee committed the offense for which the arrest was made. If the court finds that this showing of no reasonable cause has been made by the petitioner, then the burden of proof shall shift to the respondent to show that a reasonable cause exists to believe that the petitioner committed the offense for which the arrest was made. (Pen. Code, § 851.8, subd. (b).) If a person has secured a declaration of factual innocence from the court, the finding is sufficient grounds for payment of the wrongful conviction compensation claim. (Pen. Code, §§ 851.865.) CalVCB is required to, within 30 days, and without a hearing, recommend to the Legislature that an appropriation be made and the claim paid. (Pen. Code, §§ 851.865 & 4902, subd. (a).)

A person can also seek a finding of factual innocence from the court if the court has granted a writ of habeas corpus or a motion to vacate. (Pen. Code, § 1485.55, subs. (b), (c) & (e).) If a court makes a finding that the person has proven their factual innocence by a preponderance of the evidence, CalVCB is required to, within 30 days, and without a hearing, recommend to the Legislature that an appropriation be made and the claim paid. (Pen. Code, §§ 1485.55, subs. (c) & (e) & 4902, subd. (a).)

This bill makes technical and conforming changes that remove the requirement that a recommendation be made to the Legislature for both findings of factual innocence (Pen. Code, §§ 1485.55, subs. (c) & (e)) and declarations of factual innocence (Pen. Code, § 851.865), and instead provide that CalVCB shall approve payment if sufficient funds are available, upon appropriation by the Legislature. This bill would also increase the deadline for CalVCB to approve payment of the claim from 30 days to 90 days within the filing of the claim.

- 7) **Argument in Support:** According to the *National Association of Social Workers – California Chapter* (NASW-CA), “[t]his bill allows people who were wrongfully convicted to receive compensation from the court in the same way factually innocent people are able to receive compensation through the Victim’s Compensation Board.

“This bill is a follow up measure to SB 446 which shifted the proof of innocence from the wrongfully convicted to the Attorney General in claims before the Victim’s Compensation Board. SB 78 corrects an inequity in law when a wrongfully convicted person wants to pursue their claim in court. Parallel to the process set up in SB 446, this bill puts the burden of proof on the District Attorney. [...]

“The bill also includes other provisions related to this issue and amends existing laws.”

8) Related Legislation:

- a) AB 997 (Gipson) would require CalVCB to reimburse an exonerated person for mental health services related to their incarceration. AB 997 is pending in Senate Public Safety Committee.
- b) SB 530 (Bradford) would, among other things, extend the deadline from 30 days to 90 days from the filing of a claim for CalVCB to calculate the compensation and approve payment. SB 530 was held under submission in Senate Appropriations Committee.

9) Prior Legislation:

- a) AB 160 (Committee on Budget), Chapter 771, Statutes of 2022, among other things, made numerous changes to the wrongful conviction compensation claims process within CalVCB.
- b) SB 993 (Skinner), of the 2021-2022 Legislative Session, would have, among other things, made numerous changes to the wrongful conviction compensation claims process within CalVCB. SB 993 died on the Assembly inactive file.
- c) SB 446 (Glazer), Chapter 449, Statutes of 2021, shifted the burden onto the state to prove, for the purposes of a wrongful compensation claim with CalVCB, that the claimant is not entitled to compensation.
- d) SB 981 (Glazer), of the 2021-2022 Legislative Session, was substantially similar to this bill. SB 981 was vetoed.
- e) SB 1137 (Monning), of the 2019-2020 Legislative Session, would have made a finding of factual innocence at an uncontested hearing binding on CalVCB for purposes of a wrongful conviction compensation claim, and would have required CalVCB to order compensation if a claimant established by a preponderance of the evidence that no reasonable jury would find them guilty beyond a reasonable doubt based on the evidence presented to CalVCB. SB 1137 was not heard in the Senate Public Safety Committee.
- f) SB 269 (Bradford), Chapter 473, Statutes of 2019, extended the statute of limitations for when a wrongfully convicted individual can file a claim with CalVCB from two years to ten years after exoneration or release.
- g) SB 321 (Monning), of the 2017–2018 Legislative Session, would have required the Governor to appoint a special master to oversee all claims for compensation presented to CalVCB in wrongful conviction cases. SB 321 was held in the Senate Appropriations Committee.
- h) SB 618 (Leno), Chapter 800, Statutes of 2013, streamlined and provided clarity to the process for compensating exonerated persons.
- i) AB 316 (Solorio), Chapter 432, Statutes of 2009, among other things, extended the timeline for filing claims with CalVCB from six months to two years and allowed a finding of factual innocence to be used as proof in a claim before CalVCB.

REGISTERED SUPPORT / OPPOSITION:

Support

ACLU California Action
California Innocence Coalition: Northern California Innocence Project, California Innocence Project, Loyola Project for The Innocent
California Public Defenders Association
California Public Defenders Association (CPDA)
Californians United for A Responsible Budget
Ella Baker Center for Human Rights
Initiate Justice
Legal Services for Prisoners With Children
National Association of Social Workers, California Chapter
Prosecutors Alliance California
San Francisco Public Defender
Smart Justice California
University of San Francisco School of Law | Racial Justice Clinic

Opposition

None submitted.

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