

SENATE THIRD READING

SB 1211 (Gonzalez)

As Amended May 18, 2026

Majority vote

SUMMARY

Authorizes the district attorney to file a notice with the court notifying it of their intent to conduct a postconviction investigation of a claim of factual innocence, if the district attorney accepts a case for postconviction review.

Major Provisions

- 1) States the phrase "accepts a case for postconviction review" means that a conviction integrity unit (CIU) or other formally designated unit of a district attorney's office tasked solely with the investigation and review of postconviction claims of factual innocence - or, if no such unit exists, a district attorney or team assigned by the district attorney's office to conduct an independent postconviction investigation and review - has formally accepted for internal review a claim of factual innocence at the request or initiation of the petitioner alleging factual innocence.
- 2) Requires the case, after filing the notice described above, to be treated as if it were an open case for the purpose of investigating a claim of factual innocence.
- 3) Specifies that the district attorney has the power to issue subpoenas and compel the production of documents and testimony, as provided, and file motions necessary to investigate claims, including for production of peace officer personnel records, and motions for court-ordered appointment of counsel, among others.
- 4) Mandates the district attorney obtain a written waiver from the petitioner or petitioner's counsel before discovery may be authorized, to the extent the district attorney seeks otherwise confidential materials relating to the petitioner, including, but not limited to, materials contained in the petitioner's central file, institutional records, medical records, employment records, or school records.
- 5) Prohibits the district attorney from being granted any authority to conduct a postconviction investigation if any direct appeal, habeas corpus proceeding, motion for new trial, or other collateral attack concerning the same conviction is pending in any state or federal court, unless the petitioner or petitioner's counsel agrees to the exercise of that authority.
- 6) States that if the district attorney learns, pursuant to the powers conferred to the district attorney by this bill, of new, credible, and material evidence creating a reasonable likelihood that the petitioner did not commit an offense of which the petitioner was convicted, the district attorney must promptly disclose that evidence to the court, and if the conviction was obtained in the district attorney's jurisdiction, promptly disclose that evidence to the petitioner unless the court authorizes delay.
- 7) Requires all materials obtained through the process specified in this bill to be equally disclosed to the petitioner or the petitioner's counsel within 60 days of the termination of the investigation.

- 8) States the provisions of this bill do not relieve a district attorney of their obligation to remedy a conviction upon a determination of factual innocence.
- 9) Authorizes the district attorney to implement written policies and procedures to ensure compliance with this section.

COMMENTS

According to the Author

"Conviction Integrity Units (CIUs), housed within District Attorney offices, are tasked with investigating post-conviction innocence claims, including the mishandling of evidence, constitutional violations, juror misconduct, and factual innocence. California has 297 recorded exonerations, and CIUs have, to date, exonerated 35 individuals since their formation. Factual innocence investigations are investigations of closed cases, which makes it difficult for CIUs to access the documents and evidence needed to conduct their research of the claim. These delays can prevent access to justice for incarcerated individuals serving prison time for a crime they did not commit. SB 1211 streamlines the processing of post-conviction claims of factual innocence by clarifying that CIUs within prosecutorial agencies may investigate these claims as if they were open cases."

Arguments in Support

According to *Los Angeles District Attorney's Office*: "Specifically, the wording of existing law hampers the work of our Justice Conviction Review Unit (JCRU) because JCRU only investigates cases in which an individual has already been convicted."

"Current law provides prosecutorial agencies such as ours with avenues to resources during the pendency of open cases but denies us the ability to access materials after a defendant has been convicted. This unavailability of important information hinders our Office's ability to perform a comprehensive investigation of a post-conviction claim of factual innocence."

"Under current statutes, unavailable resources include:

- 1) Subpoenas Duces Tecum (SDTs): Prosecutorial agencies may not issue SDTs for production of documents because there are no pending court dates.
- 2) Confidential Files (C-files): Prosecutorial agencies may not SDT C-Files from the California Department of Correction and Rehabilitation (CDCR). Under CDCR rules, our Office would have to pay for the production of the prison records of unrepresented claimants, of which there are many C-Files are often critical to our truth-finding defemination process, especially the confidential risk assessment report that may detail the inmate's version of the charged criminal conduct.
- 3) Pitchess Motions: At present, the Los Angeles City Attorney is challenging our Office's ability to review information in a law enforcement officer's personnel file, arguing that the Pitchess motion filed by JCRU personnel on five cases under review is only available on open cases.

- 4) Removal Orders: The Federal Bureau of Prisons refuses to honor removal orders served by our Office because there is no open and pending matter.
 - a) Appointment of Counsel: Inmates who have filed a claim pro per and witnesses who may have a privilege may need the appointment of counsel. Some judges have been reluctant or have refused to appoint counsel without an open matter.

"SB 1211 would solve these unintended obstacles to investigating factual innocence claims by providing prosecutorial agencies with the jurisdictional authority to investigate post-conviction claims in the same manner that our Office has to investigate open cases. An exoneration occurs when a person who has been convicted of a crime is officially cleared after new evidence of innocence becomes available. Since our JCRU was formed, our Office has been able to exonerate 16 individuals. When individuals who have been exonerated through the more traditional habeas corpus litigation process are included in that calculation, our Office has exonerated a total of 159 individuals. These statistics demonstrate that our criminal justice system does not always work the way it was intended. Because people occasionally suffer criminal convictions, it is incumbent that prosecutorial agencies are empowered with as many resources as possible to investigate claims of actual innocence in order to reach a fair and appropriate outcome. Without the investigatory tools that are typically available for an open case, the truth-finding process of innocence claims is unnecessarily delayed and sometimes actually hindered."

"Our JCRU currently has 76 cases under review, and new claims for post-conviction review are received most every week. There is no legal or policy reason to unnecessarily hinder these post-conviction innocence claims."

Arguments in Opposition

None submitted.

FISCAL COMMENTS

Unknown. This bill was keyed non-fiscal by the Legislative Counsel.

VOTES

SENATE FLOOR: 39-0-1

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Dahle

ASM PUBLIC SAFETY: 9-0-0

YES: Schultz, Alanis, Mark González, Haney, Harabedian, Lackey, Nguyen, Ramos, Sharp-Collins

UPDATED

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