

SB 467: End Wrongful Convictions Act
Frequently Asked Questions

Will this bill create a loophole for a convicted person to be immediately released from prison?

- No. If a person's conviction is reversed, this only means that the person will get a new trial. The district attorney's office makes the decision to retry the case or dismiss it. If the district attorney chooses to dismiss the case, then the person is released from custody. The district attorney has complete control over this decision.

Don't judges already make a determination as to the admissibility of forensic or scientific evidence?

- Yes, under existing law for "new" science the court must conduct what is known in California as a Kelly/Frye Test to determine if the new science is generally accepted within the relevant scientific community. However, most forensic and scientific disciplines or theories have been entering our courts for decades. Under California law once one court admits this type of evidence and a court of appeal upholds the ruling it is typically recognized as generally accepted creating a disincentive and often a barrier for wrongfully accused individuals to ever challenge the unreliability of a this evidence.

Does this bill apply to civil court?

- No, this bill only applies to criminal court. Penal Code Section 1473, under which these amendments have been made, only applies to challenges to criminal convictions.