



Senator Scott Wiener, 11th Senate District

Senate Bill 467 – End Wrongful Convictions Act

SUMMARY

Senate Bill 467 further articulates the definition of false testimony to ensure that anyone wrongfully convicted of a crime due to faulty and/or unreliable scientific evidence may seek post-conviction relief. SB 467 also clarifies that the definition of false testimony includes opinions based on flawed scientific research or outdated technology that is now unreliable or moot, and opinions about which a reasonable scientific dispute has emerged regarding its validity.

BACKGROUND/EXISTING LAW

Current law allows an individual to have their conviction reversed and a new trial ordered if they can demonstrate that false evidence was introduced against them at any hearing or trial and that it substantially contributed to their conviction. SB 1058 (Leno, Chapter 623, 2014) expanded the definition of false evidence to include opinions of experts that have either: 1) been renounced by the original expert who provided the opinion at a hearing or trial; or 2) that have been undermined by later scientific research or technological advances. This legislation was in response to the fact that forensic and scientific errors were the second most common cause for the wrongful conviction of innocent people in the United States.

This expanded definition of false evidence better captured what unreliable forensic science is and therefore provides innocent people the opportunity to seek justice.

PROBLEM

Studies have found that most expert testimony regarding forensic science is accepted without demonstrating the precision of its methods, its potential limitations, or the possibility for human error. Furthermore, once science has been accepted in a court, rarely is that science scrutinized in future prosecutions. Unreliable

forensic science remains a leading cause of wrongful convictions, occurring in 45% of DNA exoneration cases nationwide, 24% of all exonerations in the nation and 15% of the California exoneration cases known since 1989. In wrongful conviction cases, experts offered testimony that was critical evidence leading to the conviction that was either flawed forensic science or scientific methods that are widely debated within the scientific community.

Expert opinions can be very persuasive and influential to an outcome of a trial, and are often found in the highest stakes cases. Expert conclusions are often assumed to be data and research-driven and scientifically-based. However, experts sometimes offer opinions that lack sound logic. Or, they rely on literature, research, or evidence that lacks valid methodology, theories, or sound logic.

The National Academy of Science (NAS) states that a significant part of this problem is the “CSI effect,” where jurors have an unrealistic and preconceived notion about the availability and precision of forensic evidence in criminal trials because of what they have seen on television.

Additionally, judges are required to exclude unreliable specialized knowledge from a trial. In order for an expert to testify to an opinion in any matter, they are to provide justification and adequate support for their opinions. However, criminal cases are not sufficiently scrutinizing whether that expert testimony is based on valid methodology, theory, research, studies, and/or evidence.

SOLUTION

Expert testimonies are powerful in a criminal prosecution. SB 467 recognizes that the stakes are too high for criminal courts to not stay lock step with the advancements in science and the critical scrutiny

within the relevant scientific communities. SB 467 raises the standard for expert opinions in order to prevent wrongful convictions based on flawed or unreliable expert opinions.

This legislation ensures that scientific advancements and discoveries are considered in cases in which testimony relied on outdated understandings and applications of forensic science, and which ultimately resulted in wrongful convictions.

This bill would give people whose prosecution relied substantially on expert testimony an additional tool to challenge their conviction if the validity of the methodology or theories that the expert used is undermined or disputed within the relevant scientific community.

These good sense and helpful clarifications are a step forward for California in addressing concerns set forth to ensure that scientific evidence and expert testimony is reliable, and when it is not, that there are avenues for justice to be served.

SUPPORT

- California Innocence Project (Sponsor)
- Loyola Project for the Innocent (Sponsor)
- Northern California Innocence Project (Sponsor)
- California Public Defenders Association
- Initiate Justice
- California Attorneys for Criminal Justice

FOR MORE INFORMATION

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