



Senator Scott Wiener, 11th Senate District

Senate Bill 97 – Righting Wrongful Convictions Act

SUMMARY

Senate Bill 97 refines the process by which those who are wrongfully convicted can prove their innocence and have their convictions reversed. This legislation will ensure justice for the innocent and victims and survivors of crime.

SB 97 aims to eliminate confusion and unnecessary litigation surrounding technical requirements within California’s habeas laws to ensure Courts are given the discretion to scrutinize the integrity of a conviction and grant relief. It also creates a new statutory habeas claim that allows Courts to consider the totality of a case to determine if a wrongful conviction has occurred. SB 97 additionally guarantees the wrongfully convicted are provided the opportunity for continuous counsel in their cases. Further, SB 97 allows the state to initiate proceedings when it discovers a person has been wrongfully convicted.

SB 97 also directs Courts to give great weight to a prosecutor’s determination and concession that a person has been wrongfully convicted.

All of these amendments to California’s habeas laws serve the twin aims of saving both time in unnecessary litigation and resources in taxpayer dollars, and to ensure a fair and justice post-conviction process.

BACKGROUND/PROBLEM

Existing law governs the process by which innocent people can challenge their wrongful conviction in court. A person unlawfully imprisoned or restrained of their liberty, under any pretense, may prosecute a writ of habeas corpus to inquire into the cause of the imprisonment or restraint.

Though California’s habeas corpus law is more comprehensive than most states’, decades of revisions and amendments have created

difficulties for courts and practitioners to determine whether a case should be reversed, even when both the prosecution and the defense agree that the person is innocent. One example is when Courts order that investigations and hearings be carried out even after prosecutors determined a person has been wrongfully convicted, citing that existing law was not clear enough to allow them to grant relief or reverse the conviction. As a result, innocent people lose years to unnecessary litigation.

Judges across the state have expressed frustration that habeas corpus law is often too vague, particularly around whether a conviction should be reversed if the culmination of errors through all evidence, not just new evidence, shows the person is innocent.

SOLUTION

SB 97 will address challenges in the law to streamline and strengthen the process in which those who were wrongly convicted can prove their innocence.

SB 97 will:

- Give the State, district attorneys and attorneys general, the authority to initiate habeas or motions to vacate to rectify wrongful convictions in their jurisdictions;
- Eliminate confusing language to ensure that Courts can examine newly discovered evidence without concerns with obstructive technical requirements;
- Give Courts permission to examine a case in its entirety without concern for “newness” or procedural barriers;
- Ensure that the credibility of the evidence is fully examined by the fact finder through an evidentiary hearing;
- Create a presumption in favor of granting habeas relief if the District Attorney in

the county of conviction or the Attorney General concede that the person was wrongfully convicted and their conviction or sentence should be reversed;

- Give an exonerated person (if tried again) the ability to have their private counsel that assisted them in having their conviction overturned, appointed as their counsel for their impending trial for continuity of counsel

With the increase in prosecutor attention to wrongful convictions, these laws can be improved to ensure we rectify these wrongs. These clarifications in the law are necessary for California to ensure that the wrongfully convicted are given a fair and equitable process to prove their innocence. All Californians—but particularly those who are wrongly incarcerated—deserve a penal system that can evolve and recognize its mistakes accordingly.

SUPPORT

- The California Innocence Coalition (sponsor)
- Habeas Corpus Resource Center
- Federal Defenders

FOR MORE INFORMATION

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