

**Introduced by Senator Ridley-Thomas**

February 23, 2007

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An act to add Section 806 to the Evidence Code and to add Section 686.3 to the Penal Code, relating to criminal investigations.

LEGISLATIVE COUNSEL'S DIGEST

SB 756, as introduced, Ridley-Thomas. Criminal investigations: eyewitness identifications.

Existing law does not regulate how law enforcement officials prepare or conduct eyewitness photo or live lineup identifications.

This bill declares legislative intent that law enforcement officials study and consider adoption of policies and procedures regulating eyewitness lineup identifications so as to ensure a decrease in the number of misidentifications.

Existing law allows opinion testimony from expert witnesses to be admitted at trial upon specified showings.

This bill would allow expert testimony regarding the reliability of an eyewitness identification to be admitted at trial if the proponent of the evidence establishes relevancy and proper qualifications of the witness.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 806 is added to the Evidence Code, to
- 2 read:
- 3 806. Consistent with existing law, expert testimony may be
- 4 admitted regarding factors that affect the reliability of eyewitness

1 identification if the proponent of the evidence establishes relevancy  
2 and proper qualifications of the witness.

3 SEC. 2. Section 686.3 is added to the Penal Code, to read:

4 686.3. (a) The goal of a law enforcement criminal investigation  
5 is to find and apprehend the person or persons responsible for  
6 committing a crime.

7 (b) A comprehensive body of peer-reviewed studies of  
8 eyewitness identification procedures indicate that the criminal  
9 justice system can improve the accuracy of eyewitness  
10 identifications by implementing changes to identification  
11 procedures.

12 (c) Improving the accuracy of eyewitness identifications will  
13 increase public trust in the criminal justice system.

14 (d) Policies and procedures such as those recommended by the  
15 National Institute of Justice and the California Commission on the  
16 Fair Administration of Justice are readily available and have proven  
17 effective in other jurisdictions.

18 (e) It is the intent of the Legislature that law enforcement  
19 officials study and consider adoption of new policies and  
20 procedures similar to those recommended by the National Institute  
21 of Justice and the California Commission on the Fair  
22 Administration of Justice in order to ensure that eyewitness  
23 identification procedures in California minimize the chance of  
24 misidentification of a suspect.