

AMENDED IN SENATE MAY 17, 2007

AMENDED IN SENATE APRIL 9, 2007

SENATE BILL

No. 756

Introduced by Senator Ridley-Thomas

February 23, 2007

An act to add Sections 686.3 and 686.31 to the Penal Code, relating to criminal investigations.

LEGISLATIVE COUNSEL'S DIGEST

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

Existing case law regulates suspect identification procedures to ensure that they are not unduly suggestive.

This bill would provide that it is the intent of the Legislature that law enforcement officials study and consider the adoption of new policies and procedures, as specified, to ensure that eyewitness identification procedures in California minimize the chance of misidentification of a suspect.

This bill would require that on or before December 31, 2008, the Department of Justice,—~~and~~ *in consultation with* specified law enforcement-related entities, develop guidelines for policies and procedures with respect to collection and handling of eyewitness evidence in criminal investigations by all law enforcement agencies operating in California, as specified. The guidelines would be transmitted to the Legislature with recommendations for any legislation needed to enforce the guidelines.

The bill would require that on or before December 31, 2009, the Attorney General report to the Legislature, describing the voluntary

implementation of the guidelines and the training implemented by California law enforcement agencies.

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

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

1 SECTION 1. Section 686.3 is added to the Penal Code, to read:
2 686.3. (a) The goal of a law enforcement criminal investigation
3 is to find and apprehend the person or persons responsible for
4 committing a crime.

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

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

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

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

23 (f) On or before December 31, 2008, the Department of Justice,
24 ~~and in consultation with~~ the Commission on Peace Officers
25 Standards and Training, ~~in consultation with~~ local law enforcement
26 agencies, prosecutors, defense attorneys, and other legal experts,
27 including representatives of the California District Attorney's
28 Association, the Los Angeles District Attorney, the California
29 Public Defenders Association, and the California Attorneys for
30 Criminal Justice, shall develop guidelines for policies and
31 procedures with respect to collection and handling of eyewitness
32 evidence in criminal investigations by all law enforcement agencies
33 operating in California. These guidelines shall be developed to

1 ensure reliable and accurate suspect identifications and shall be
2 consistent with the reliable evidence supporting best practices,
3 including consideration of the recommendations of the California
4 Commission on the Fair Administration of Justice. The guidelines
5 shall be transmitted to the Legislature with recommendations of
6 any legislation needed to enforce the guidelines.

7 SEC. 2. Section 686.31 is added to the Penal Code, to read:

8 686.31. On or before December 31, 2009, the Attorney General
9 shall report to the Legislature, describing the voluntary
10 implementation of the guidelines and the training implemented by
11 California law enforcement agencies.