

**Senate Bill No. 756**

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Passed the Senate September 6, 2007

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*Secretary of the Senate*

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Passed the Assembly September 5, 2007

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*Chief Clerk of the Assembly*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2007, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

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

## LEGISLATIVE COUNSEL'S DIGEST

SB 756, 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, 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 implement 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.

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

SECTION 1. Section 686.3 is added to the Penal Code, to read:

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

(b) A comprehensive body of peer-reviewed studies of eyewitness identification procedures indicates that the criminal justice system can improve the accuracy of eyewitness

identifications by implementing changes to identification procedures.

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

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

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

(f) On or before December 31, 2008, the Department of Justice, in consultation with the Commission on Peace Officers Standards and Training, local law enforcement agencies, prosecutors, defense attorneys, and other legal experts, including representatives of the California District Attorney's Association, the Los Angeles District Attorney, the California Public Defenders Association, and the California Attorneys for Criminal Justice, shall 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. These guidelines shall be developed to ensure reliable and accurate suspect identifications and shall be consistent with the reliable evidence supporting best practices, including consideration of the recommendations of the California Commission on the Fair Administration of Justice. The guidelines shall be transmitted to the Legislature with recommendations of any legislation needed to implement the guidelines.

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

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

Approved \_\_\_\_\_, 2007

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*Governor*