

## Assembly Bill No. 1131

### CHAPTER 46

An act to amend Sections 1096 and 1096a of the Penal Code, relating to criminal procedure, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1995. Filed with  
Secretary of State July 3, 1995.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1131, Caldera. Criminal procedure: reasonable doubt.

Existing law requires the state in a criminal case to prove the defendant guilty beyond a reasonable doubt and defines reasonable doubt as "not a mere possible doubt; because everything relating to human affairs, and depending on moral evidence, is open to some possible or imaginary doubt. It is that state of the case, which, after the entire comparison and consideration of all the evidence, leaves the minds of jurors in that condition that they cannot say they feel an abiding conviction, to a moral certainty, of the truth of the charge."

This bill would delete the phrases "depending on moral evidence" and "to a moral certainty" from the definition of reasonable doubt.

The bill would declare that it is to take effect immediately as an urgency statute.

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

SECTION 1. Section 1096 of the Penal Code is amended to read:

1096. A defendant in a criminal action is presumed to be innocent until the contrary is proved, and in case of a reasonable doubt whether his or her guilt is satisfactorily shown, he or she is entitled to an acquittal, but the effect of this presumption is only to place upon the state the burden of proving him or her guilty beyond a reasonable doubt. Reasonable doubt is defined as follows: "It is not a mere possible doubt; because everything relating to human affairs is open to some possible or imaginary doubt. It is that state of the case, which, after the entire comparison and consideration of all the evidence, leaves the minds of jurors in that condition that they cannot say they feel an abiding conviction of the truth of the charge."

SEC. 2. Section 1096a of the Penal Code is amended to read:

1096a. In charging a jury, the court may read to the jury Section 1096, and no further instruction on the subject of the presumption of innocence or defining reasonable doubt need be given.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning



of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to make immediate conforming changes in the law necessary for the consistent administration of criminal justice in this state, it is necessary that this act take effect immediately.

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