

Enacting Justice: 2008 Legislative Priorities

As we enter the second year of a two-year legislative session, the ACLU's top priorities reflect our sense that even in a tight budget year, we can gain ground in a number of our core areas. The following bills call for stemming wrongful convictions, ensuring access to disaster-relief services, and protecting Californians from increasing violations of personal privacy. Included below are new bills as well as familiar bills that stalled or failed in prior years.

Stopping Wrongful Convictions

These bills propose much needed reforms to minimize wrongful convictions by addressing the three leading causes of wrongful convictions in the United States: reliance on uncorroborated testimony from "in-custody" informants, false confessions, and erroneous eyewitness identifications. The California Commission on the Fair Administration of Justice sponsored the bills, which Gov. Schwarzenegger vetoed last year:

[SB 1589](#) (Romero, D-Los Angeles)

Would prohibit conviction based on the uncorroborated testimony of an in-custody informant.

ACLU Position: Support

Status: Passed Senate; pending vote on Assembly Floor

[SB 1590](#) (Alquist, D-San Jose)

Would have required that police interrogations in cases involving homicides or other violent felonies be recorded electronically.

ACLU Position: Support

Status: Placed on suspense in the Senate Appropriations Committee because of the state's fiscal crisis and will not move forward

[SB 1591](#) (Ridley-Thomas, D-Los Angeles)

Would have required the Department of Justice to develop voluntary guidelines for eyewitness identification procedures for all California law enforcement agencies.

ACLU Position: Support

Status: Placed on suspense in the Senate Appropriations Committee because of the state's fiscal crisis and will not move forward

Providing Justice for the Wrongfully Convicted

[AB 2937](#) (Solorio, D-Santa Ana)

Would ensure that exonerees have the same access to resources that ex-offenders receive; clarify the statute of limitations to file damages claims; ensure that criminal records relating to wrongful convictions are sealed; and adjust the amount of compensation for wrongful convictions to reflect federal standards. Also known as the Arthur Carmona

Justice for the Wrongfully Convicted Act.

ACLU Position: Support

Status: Passed Assembly; pending in Senate Appropriations Committee

Championing Accurate, Un-Biased Sex Ed

[SB 1600](#) (Kuehl, D-Santa Monica)

Would have required charter schools that choose to teach sex education to follow the same standards as public schools. (In 2003, the ACLU sponsored SB 71, which required sexual health education in California's public schools to be medically accurate, age-appropriate, and unbiased.) Through negotiations with the charter schools, we have reached a non-legislative agreement that will require the charter schools to follow standards found in SB 71, which were recently adopted by the Board of Education. As a result, legislation is no longer needed to address this issue.

ACLU Position: Support

Status: Per the agreement reached between sex-ed advocates and the charter schools, this bill has been placed on the inactive file

Ensuring Access to Disaster-Relief Services

[AB 2327](#) (Caballero, D-Salinas)

States that those providing disaster-related assistance and services will strive to provide all victims with the assistance and services they need and for which they are eligible. Additionally, public employees who assist victims would not be permitted to request information or documents that are not strictly necessary to determine eligibility for services under state or federal law. During last year's wildfires in San Diego, evacuees were asked for identification documents to access emergency services. Many people did not have identity documents with them and were denied services.

ACLU Position: Support

Status: Passed Assembly; pending on Senate Floor

Protecting Identity Documents

The ACLU is working to require basic privacy protections for government identity documents that are issued with RFID (Radio Frequency Identification) chips. Without privacy protections, RFID chips are susceptible to unauthorized reading and cloning. These three bills, co-sponsored by the ACLU, were held over from last year:

[SB 29](#) (Simitian, D-Palo Alto)

Would set a three-year moratorium on the use of RFID chips in school identity documents while research is done to determine appropriate privacy protections.

ACLU Position: Support

Status: Passed Senate; pending on Assembly Floor

[SB 30](#) (Simitian, D-Palo Alto)

Would set minimum standards and protections for the use of RFID chips in any type of

government-issued identity document.

ACLU Position: Support

Status: Placed on the inactive file pending completion of a study by the California Research Bureau on appropriate privacy protections for the use of RFID chips

[SB 31](#) (Simitian, D-Palo Alto)

Would impose penalties for skimming, spoofing, and other unauthorized accessing of information on the chip.

ACLU Position: Support

Status: Passed Senate; passed Assembly Judiciary Committee; pending in Assembly Appropriations Committee

Sending Real ID Back to the Drawing Board

Formerly Assembly Joint Resolution 51 (Nava, D-Santa Barbara)

Called on Congress to repeal the Real ID Act of 2005 -- a law creating a de facto national ID card that concentrates the personal data of all U.S. drivers into one giant DMV database.

ACLU Position: Support

Status: The author rewrote this bill on June 26 and it is now a resolution on a different topic. We have no position on the revised bill.

Promoting Cell Phone Privacy

[AB 3011](#) (Huffman, D-San Rafael)

Would have amended the Public Utilities Code to extend the privacy protections for residential land line consumers to cell phone users. Would have prohibited telephone companies from disclosing the calling patterns, financial information, and demographic information of consumers to other companies or persons without first receiving the written consent of the consumer.

ACLU Position: Support

Status: Failed on Assembly Floor

Pressing to Restore Public Oversight of Police Agencies

[SB 1019](#) (Romero, D-Los Angeles)

Originally sought to overturn the 2006 California Supreme Court decision in *Copley Press v. Superior Court*, which effectively shut off public access to information about police misconduct. The measure, a major focus of the ACLU-NC in 2007, stalled in the Assembly Public Safety Committee last year and this year has been significantly narrowed. Because the amended bill does not provide substantial relief in our region, the ACLU-NC is neutral on the current version of the legislation. However, it is possible that future modifications will improve it.

ACLU Position: Neutral

Status: Passed Senate; pending in Assembly Public Safety Committee