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## SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair

2017 - 2018 Regular

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**Bill No:** SB 336                      **Hearing Date:** April 4, 2017  
**Author:** Anderson  
**Version:** February 13, 2017  
**Urgency:** No                                      **Fiscal:** Yes  
**Consultant:** NG

**Subject:** *Exonerated Inmates: Transitional Services*

### HISTORY

**Source:** The California Innocence Project

**Prior Legislation:** AB 672 (Jones-Sawyer) - Chaptered 403, Statutes of 2015  
AB 2308 (Stone) – Chapter 607, Statutes of 2014  
SB 618 (Leno) – Chapter 800, Statutes of 2013

**Support:** California Attorneys for Criminal Justice; California Catholic Conference;  
California Public Defenders Association

**Opposition:** None known

### PURPOSE

*The purpose of this bill is to expand the definition of exonerated state prison inmates who are eligible to receive transitional services to include individuals granted a writ of habeas corpus.*

*Existing law* states that if a person has secured a declaration of factual innocence, the finding shall be sufficient grounds for compensation by the Victim Compensation and Government Claims Board (VCGCB). Upon application the VCGCB shall, without a hearing, recommend to the Legislature that an appropriation be made. (Penal Code § 851.865.)

*Existing law* sets the rate of compensation at \$100 per day of incarceration served subsequent to the claimant's conviction, and specifies that this appropriation shall not be considered gross income for state tax purposes. (Penal Code § 4904.)

*Existing law* provides that any person who, having been convicted of any crime against the state amounting to a felony and imprisoned in the state prison for that conviction, is granted a pardon by the Governor for the reason that the crime with which he or she was charged was either not committed at all or, if committed, was not committed by him or her, or who, being innocent of the crime with which he or she was charged for either of the foregoing reasons, shall have served the term or any part thereof for which he or she was imprisoned, may, as specified, present a claim against the state to the VCGCB for the pecuniary injury sustained by him or her through the erroneous conviction and imprisonment. (Penal Code § 4900.)

*Existing law* gives erroneously convicted and pardoned individuals two years to file a claim against the state. (Penal Code § 4901.)

*Existing law* requires that the Department of Corrections and Rehabilitation shall assist a person who is exonerated as to a conviction for which he or she is serving a state prison sentence at the time of exoneration with transitional services, including housing assistance, job training, and mental health services, as applicable. The extent of the services shall be determined by the department and shall be provided for a period of not less than six months and not more than one year from the date of release. (Penal Code § 3007.05(d).)

*Existing law* requires the California Department of Corrections and Rehabilitation to establish a case management reentry pilot program for offenders who are likely to benefit from case management reentry strategies designed to address homelessness, joblessness, mental disorders, and developmental disabilities among offenders transitioning from prison into the community. (Penal Code § 3016.)

*Existing law* requires the California Department of Corrections and Rehabilitation and the Department of Motor Vehicles shall ensure that all eligible inmates released from state prisons have valid identification cards, as specified. (Penal Code § 3007.05(a).)

*Existing law* defines, for purposes of this section, “eligible inmates” as inmates who meet all of the following requirements:

- The inmate has previously held a California driver’s license or identification card.
- The inmate has a usable photo on file with the Department of Motor Vehicles that is not more than 10 years old.
- The inmate has no outstanding fees due for a prior California identification card.
- The inmate has provided, and the Department of Motor Vehicles has verified all the following information:
  - The inmate’s true full name.
  - The inmate’s date of birth.
  - The inmate’s social security number.
  - The inmate’s legal presence in the United States (Penal Code § 3007.05 (b).)

*Existing law* provides, for purposes of this section, that “exonerated” means the person has been convicted and subsequently either of the following occurred:

- A writ of habeas corpus concerning the person was granted on the basis that the evidence unerringly points to innocence, or the person’s conviction was reversed on appeal on the basis of insufficient evidence.
- The person was given an absolute pardon by the governor on the basis that the person was innocent. (Penal Code § 3007.05(d).)

*This bill* would expand the definition of “exonerated” in Penal Code § 3007.05(d), for purposes of eligibility for transitional services, to include a person who have been granted a writ of habeas corpus.

## COMMENTS

### 1. Need for This Bill

This bill would expand the definition of exonerated state prison inmates who are eligible to receive transitional services to include individuals granted a writ of habeas corpus.

#### According to the Author:

In 2015, Assemblymember Jones-Sawyer introduced AB 672, also known as “Obie’s law,” which ensured that wrongfully convicted people could get access to services which were at the time only available to parolees. At the time the law was written, an individual could challenge his or her conviction if he or she had new evidence which “completely undermined the prosecution’s case and pointed unerringly to innocence.” (*In re Clark* (1993) 5 Cal.4<sup>th</sup> 750,766.) This standard is directly referenced in Obie’s law to determine whether an exonerated person is eligible for services. This means that only if a person’s conviction was reversed based on this standard could they be eligible for services through Obie’s Law. Unfortunately, the standard for establishing your innocence has changed, which means the language in Obie’s Law is no longer the standard in California. Last year, SB 1134 was signed into law; the bill allows an innocent individual to challenge his or her conviction if he or she presents new evidence which “would have more likely than not changed the outcome at trial.” (Pen. Code §1473(b)(3)(A).) two years ago, the passage of SB 1058 allowed for an individual to challenge his or her conviction if he or she establishes that false scientific evidence—“junk science”—was introduced at trial, and new research shows that the science can no longer be relied upon. (Pen. Code § 1473(e)(1).)

The new language and standards mean Obie’s Law is now out of date. Innocent people may be entitled to services (because they have established their innocence) but will no longer be eligible for them (because the reversal of their conviction does not contain the specific language found in Obie’s Law).

### 2. Background

Existing law provides the opportunity for those wrongfully convicted, under any pretense, to petition for a writ of habeas corpus, which allows the court to inquire into the cause of his or her imprisonment or restraint. (Penal Code § 1500) The New York Times defines the granting of “a writ of habeas corpus [as] a judicial declaration that a prison inmate has been wrongfully convicted or sentenced.”<sup>1</sup> For example, a John Edward Smith of Los Angeles was granted a writ of habeas corpus after spending 19 years in prison for a murder he did not commit. The Los Angeles times reported that after the exoneration “Smith said he was putting the details of his case out of his mind and focusing on the small steps to rebuild a life on the outside, like getting a driver’s license.”<sup>2</sup> Although

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<sup>1</sup> Linda Greenhouse, “Justices Overturn Ruling in Case on Buttons in Court,” *The New York Times*, December 12, 2006, accessed March 27, 2017. <http://www.nytimes.com/2006/12/12/washington/12scotus.html>

<sup>2</sup> Harriet Ryan, “After 19 years in Jail, Ex-Gang Member Exonerated, Freed,” *The Los Angeles Times*, September 25, 2012, accessed March 27, 2017. <http://latimesblogs.latimes.com/lanow/2012/09/after-19-years-in-jail-ex-gang-member-exonerated-freed.html>

Smith spent 19 years in prison for a crime he did not commit, he was ineligible for transitional services for his reintegration into society.

This bill would allow inmates granted a writ of habeas corpus the ability to participate in transitional services— including housing assistance, job training, and mental health services, as applicable— following their release from state prisons.

**- END -**