

Introduced by Senator Romero

February 22, 2007

An act to add Section 1111.5 to the Penal Code, relating to criminal procedure.

LEGISLATIVE COUNSEL'S DIGEST

SB 609, as introduced, Romero. Criminal procedure: informants.

Existing law generally regulates the admissibility and use of evidence.

This bill would provide that a court may not convict a defendant, find a special circumstance true, or use a fact in aggravation based on the uncorroborated testimony of an in-custody informant.

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 1111.5 is added to the Penal Code, to
2 read:
3 1111.5. (a) A jury or judge may not convict a defendant, find
4 a special circumstance true, or use a fact in aggravation based on
5 the uncorroborated testimony of an in-custody informant. The
6 testimony of an in-custody informant shall be corroborated by
7 other evidence that independently tends to connect the defendant
8 with the commission of the offense, the special circumstance, or
9 the evidence offered in aggravation to which the in-custody
10 informant testifies. Corroboration is not sufficient if it merely
11 shows the commission of the offense or the special circumstance
12 or the circumstance in aggravation. Corroboration of an in-custody

1 informant shall not be provided by the testimony of another
2 in-custody informant.

3 (b) As used in this section, “in-custody informant” means a
4 person, other than a codefendant, percipient witness, accomplice,
5 or coconspirator, whose testimony is based on statements allegedly
6 made by the defendant while both the defendant and the informant
7 were held in within a city or county jail, state penal institution, or
8 correctional institution. Nothing in this section limits or changes
9 the requirements for corroboration of accomplice testimony
10 pursuant to Section 1111.