

**ASSEMBLY BILL**

**No. 1610**

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**Introduced by Assembly Member Bonta**

February 6, 2014

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An act to amend Section 1336 of the Penal Code, relating to material witnesses.

LEGISLATIVE COUNSEL'S DIGEST

AB 1610, as introduced, Bonta. Material witnesses: human trafficking.

Existing law authorizes the defendant or the people to apply for an order that a witness be examined conditionally for a criminal trial in specified cases, including when the person is about to leave the state or is so sick or infirm that he or she will be unable to attend the trial.

This bill would authorize the defendant or the people to apply for an order that the witness be examined conditionally when the material witness is a victim of or witness to a felony prosecution involving human trafficking, commercial sex acts, or forced labor or services.

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 1336 of the Penal Code is amended to  
2 read:

3 1336. (a) When a material witness for the defendant, or for  
4 the people, is about to leave the state, ~~or~~ is so sick or infirm as to  
5 afford reasonable grounds for apprehension that he or she will be  
6 unable to attend the trial, ~~or~~ is a person 65 years of age or older,  
7 ~~or~~ a dependent adult, *or is a victim of, or witness to, a felony*

1 *prosecution involving human trafficking, commercial sex acts, or*  
2 *forced labor or services, the defendant or the people may apply*  
3 *for an order that the witness be examined conditionally.*

4 (b) When there is evidence that the life of a witness is in  
5 jeopardy, the defendant or the people may apply for an order that  
6 the witness be examined conditionally.

7 (c) As used in this section, “dependent adult” means ~~any a~~  
8 ~~person who is between the ages of 18 and 65 years of age,~~  
9 *inclusive, who has physical or mental limitations which that* restrict  
10 his or her ability to carry out normal activities or to protect his or  
11 her rights, including, but not limited to, persons who have physical  
12 or developmental disabilities or whose physical or mental abilities  
13 have diminished because of age. “Dependent adult” includes any  
14 person between ~~the ages of 18 and 65 years of age, inclusive,~~ who  
15 is admitted as an inpatient to a 24-hour facility, as defined in  
16 Sections 1250, 1250.2, and 1250.3 of the Health and Safety Code.