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AB-2243 Evidence: admissibility. (2017-2018)

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Assembly Bill No. 2243

CHAPTER 27

An act to add Section 1162 to the Evidence Code, relating to evidence.

[Approved by Governor June 13, 2018. Filed with Secretary of State June 13, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2243, Friedman. Evidence: admissibility.

Existing law provides that except as otherwise provided by statute, all relevant evidence is admissible.

This bill would prohibit the admissibility of evidence that a victim of, or a witness to, extortion, stalking, or a violent felony, each as defined, has engaged in an act of prostitution at or around the time he or she was the victim of or witness to the crime in order to prove the victim's or witness's criminal liability in a separate prosecution for the act of prostitution.

The California Constitution provides for the Right to Truth-In-Evidence, which requires a $\frac{2}{3}$ vote of the Legislature to exclude any relevant evidence from any criminal proceeding, as specified.

Because this bill may exclude from a criminal action information about a person's liability for an act of prostitution that would otherwise be admissible, it requires a $\frac{2}{3}$ vote of the Legislature.

Vote: 2/3 Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 1162 is added to the Evidence Code, to read:

1162. Evidence that a victim of, or a witness to, extortion as defined in Section 519 of the Penal Code, stalking as defined in Section 646.9 of the Penal Code, or a violent felony as defined in Section 667.5 of the Penal Code, has engaged in an act of prostitution at or around the time he or she was the victim of or witness to the crime is inadmissible in a separate prosecution of that victim or witness to prove his or her criminal liability for the act of prostitution.