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For Immediate Release

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DA-Supported Bill to Stop Irrelevant Disclosures of Immigration Status in Open Court Passes Assembly

Bi-Partisan Support for Bill Protecting Undocumented Witnesses

San Diego County District Attorney [Summer Stephan](#) today said Senate Bill 785, which will ensure undocumented immigrants can come forward to testify in court without fear of deportation, has passed the California Assembly with bipartisan support by a vote of 67 to 1. The bill is authored by Senator Scott Wiener (D-San Francisco) and Assemblymember Lorena Gonzalez Fletcher (D-San Diego) to protect immigrants from irrelevant disclosures of their immigration status in open court.

“We don’t ask the immigration status of the victims or witnesses we come into contact with and this bill gives victims and witnesses of human trafficking, sexual assault, domestic violence and other criminal cases charged in state court state court another layer of protection and confidence that they can come forward and testify without fear,” said District Attorney Summer Stephan. **“It’s a common sense protection that helps us deliver justice, promote the reporting of crime, and keep our communities safe.”**

The legislation is supported by District Attorney Summer Stephan, the Californians for Safety and Justice, Immigrant Defenders Law Center, California Partnership to End Domestic Violence, Alameda County District Attorney Nancy O’Malley, San Francisco Public Defender Jeff Adachi, and many more. SB 785 now returns to the Senate for a final vote next week before heading to the Governor for approval.

SB 785 requires that any discussion or questioning about the immigration status of any witness, victim, or defendant first be deemed by a judge to be relevant and admissible. This preliminary judicial determination will prevent disclosure of immigration status, which can deter and chill witnesses from coming forward to testify in both criminal and civil cases. To establish admissibility, an attorney must persuade a judge in a private, *in camera* hearing before raising the issue in open court. The judge will then determine whether to allow the issue to be raised.

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SB 785 was passed out of the State Senate last year, and has now moved through the Assembly in the second year of the two year session. Since the bill was amended in the Assembly, it must return to the Senate for a final vote. SB 785 amends a portion of the Evidence Code that was set by the voters in 1982, so to amend it requires a 2/3 vote by the legislature. SB 785 also includes an urgency statute, which will make it effective immediately once the Governor signs the legislation.

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About the San Diego County District Attorney's Office

The San Diego County DA's Office prosecutes all felony crimes in the county and misdemeanor crimes committed outside the City of San Diego. The office files about 40,000 criminal cases a year and balances prosecution with numerous crime prevention programs. District Attorney Summer Stephan leads the office of more than 1,000 dedicated employees who pursue justice and support victims daily across San Diego County. DA Summer Stephan has devoted her life to protecting children and families and providing justice to the voiceless and most vulnerable. She is a national leader in the fight against sexual exploitation and human trafficking, and has served as a Deputy District Attorney in San Diego County for 28 years.

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