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PRESS RELEASE

For immediate release

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Re: SB1328

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Modesto, California – Stanislaus County Assistant District Attorney Carol Shipley announced that Senate Bill 1328, a Victims' Rights bill, carried by Senator Jeff Denham (R-Merced), did not make it out of the Senate Public Safety Committee after a hearing today. The bill was sponsored by the Stanislaus County District Attorney's Office in order to address significant concerns for the rights of crime victims that became even more evident during the high-profile trial of Scott Peterson.

Sharon Rocha and Chief Deputy District Attorneys Birgit Fladager and Dave Harris testified in support of the legislation. The California District Attorneys' Association and Crime Victims United supported the bill. An organization called California Attorneys for Criminal Justice, representing criminal defense attorneys, opposed the bill, as did representatives of media organizations.

The legislation would have strengthened the rights of crime victims and family members of homicide victims. It would have helped to ensure (1) that victims and their family members are not excluded from the courtroom, and (2) that there is adequate seating reserved for victims, their family members, and support personnel. The provisions of the bill would have brought California law into substantial conformity with federal law under the new Federal Crime Victims' Rights Act that was passed in 2004.

Sharon Rocha stated: I am disappointed that our bill did not pass the Senate Public Safety Committee. I know that family members of murder victims can be, and are, excluded from courtrooms throughout California on a routine basis. This bill would have required judges to have a hearing and make a finding that a defendant's right to a fair trial would be jeopardized prior to granting a defendant's request to exclude a victim's family from the courtroom. We did not know until the night before the trial began whether we would be permitted in the courtroom for the trial. That was an agony that crime victims and their families should not have to endure at the whim of a defense attorney.

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