

§ 1473. Persons authorized to prosecute writ; false evidence;..., CA PENAL § 1473

 KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

West's Annotated California Codes
Penal Code (Refs & Annos)
Part 2. Of Criminal Procedure (Refs & Annos)
Title 12. Of Special Proceedings of a Criminal Nature (Refs & Annos)
Chapter 1. Of the Writ of Habeas Corpus (Refs & Annos)

West's Ann.Cal.Penal Code § 1473

§ 1473. Persons authorized to prosecute writ; false evidence; grounds for writ or other remedies not limited; expert opinions that have been repudiated or undermined

Effective: January 1, 2017
Currentness

(a) A person unlawfully imprisoned or restrained of his or her liberty, under any pretense, may prosecute a writ of habeas corpus to inquire into the cause of his or her imprisonment or restraint.

(b) A writ of habeas corpus may be prosecuted for, but not limited to, the following reasons:

(1) False evidence that is substantially material or probative on the issue of guilt or punishment was introduced against a person at a hearing or trial relating to his or her incarceration.

(2) False physical evidence, believed by a person to be factual, probative, or material on the issue of guilt, which was known by the person at the time of entering a plea of guilty, which was a material factor directly related to the plea of guilty by the person.

(3)(A) New evidence exists that is credible, material, presented without substantial delay, and of such decisive force and value that it would have more likely than not changed the outcome at trial.

(B) For purposes of this section, “new evidence” means evidence that has been discovered after trial, that could not have been discovered prior to trial by the exercise of due diligence, and is admissible and not merely cumulative, corroborative, collateral, or impeaching.

(c) Any allegation that the prosecution knew or should have known of the false nature of the evidence referred to in paragraphs (1) and (2) of subdivision (b) is immaterial to the prosecution of a writ of habeas corpus brought pursuant to paragraph (1) or (2) of subdivision (b).

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(d) This section does not limit the grounds for which a writ of habeas corpus may be prosecuted or preclude the use of any other remedies.

(e)(1) For purposes of this section, “false evidence” includes opinions of experts that have either been repudiated by the expert who originally provided the opinion at a hearing or trial or that have been undermined by later scientific research or technological advances.

(2) This section does not create additional liabilities, beyond those already recognized, for an expert who repudiates his or her original opinion provided at a hearing or trial or whose opinion has been undermined by later scientific research or technological advancements.

Credits

(Enacted in 1872. Amended by Code Am.1873-74, c. 614, p. 454, § 86; Stats.1975, c. 1047, p. 2466, § 2; [Stats.2014, c. 623 \(S.B.1058\), § 1, eff. Jan. 1, 2015](#); [Stats.2016, c. 785 \(S.B.1134\), § 1, eff. Jan. 1, 2017](#).)

Editors' Notes

OFFICIAL FORMS

2011 Main Volume

<Mandatory and optional Forms adopted and approved by the Judicial Council are set out in West's California Judicial Council Forms Pamphlet.>

[Notes of Decisions \(746\)](#)

West's Ann. Cal. Penal Code § 1473, CA PENAL § 1473

Current with urgency legislation through Ch. 902 of 2018 Reg.Sess, and all propositions on 2018 ballot.