



**LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE**  
**SACRAMENTO LEGISLATIVE OFFICE**

---

GEORGE GASCÓN • District Attorney  
JOSEPH F. INIGUEZ • Chief Deputy District Attorney

DANIEL FELIZZATTO • Legislative Advocate  
TAMAR TOKAT • Legislative Advocate

July 8, 2024

The Honorable Gavin Newsom  
Governor, State of California  
1021 O Street, Suite 9000  
Sacramento, CA 95814

**ASSEMBLY BILL 2521 (WALDRON)**  
**SUPPORT**  
**REQUEST FOR SIGNATURE**

Dear Governor Newsom:

The Los Angeles County District Attorney's Office respectfully requests that you sign Assembly Bill 2521 (Waldron).

AB 2521 clarifies that the prosecuting agency representing the state, not just the Attorney General, may access documents relating to the application and contents of the application for specified funds by an indigent defendant in a capital case when the defendant raises an issue on appeal or collateral review and the recorded portion of the record relating to the application for funds also relates to the issue raised.

AB 2521 also clarifies that, if a court grants a motion for DNA testing in a felony case where the person is serving a term of imprisonment, the laboratory conducting the test must be mutually agreed upon by the person filing the motion and the Attorney General or district attorney, regardless of whether the case is capital or noncapital.

As part of the effort to expedite review of capital cases, Proposition 66, The Death Penalty Reform and Savings Act of 2016, shifted responsibility for habeas proceedings from the California Supreme Court to county courts.

Because of this fundamental shift, it has become necessary to fix two procedural gaps in the Penal Code that are still premised on the outdated notion that the California Attorney General will handle all petitions for a writ of habeas corpus in capital cases.

Today the handling of petitions for a writ of habeas corpus are increasingly delegated to District Attorneys. Thus, it is important to update the Penal Code in two areas to reflect these policy changes and provide the District Attorney the same authority to access documents and to agree to additional DNA testing in order to litigate habeas petitions pending in the Superior Court.

Even though Proposition 66 has resulted in a fundamental shift in responsibility to District Attorneys, there remain two Penal Code sections that have not been amended to reflect this change.

---

1100 K Street, Suite 404  
Sacramento, CA 95814  
(916) 442-0668  
Fax: (916) 444-8729

**July 8, 2024**  
**Page Two**

Confidential Defense Funding Applications

Penal Code section 987.9 outlines the regulations controlling funds used in preparation of the defense of indigent defendants in a capital case, including that the funding applications are made confidential. However, under subdivision (d), “The confidentiality provided in this section shall not preclude any court from providing the Attorney General with access to documents protected by this section when the defendant raises an issue on appeal or collateral review where the recorded portion of the record, created pursuant to this section, relates to the issue raised.” (Pen. Code, § 987.9, subd. (d).)

AB 2521 would, instead, provide that this confidentiality does not preclude any court from providing the prosecuting agency representing the state in the proceeding with that access. In some cases, the prosecuting agency will be the Attorney General; in others, it will be the District Attorney.

DNA Testing Laboratory Selection

Penal Code section 1405 controls the motion and parameters of an inmate’s request for DNA testing in relation to their case. It states in relevant part, “[t]he testing shall be conducted by a laboratory that meets the FBI Director’s Quality Assurance Standards and that is mutually agreed upon by the district attorney in a noncapital case, or the Attorney General in a capital case, and the person filing the motion.” (Pen. Code, § 1405, subd. (h)(2))

AB 2521 would instead require that DNA testing to be conducted by a laboratory that is mutually agreed upon by the district attorney or Attorney General and the person filing the motion, regardless of the type of case.

AB 2521 provides the needed updates to the Penal Code to reflect the new duties and responsibilities placed on District Attorneys by Proposition 66.

AB 2521 has received unanimous bipartisan support in the Legislature. There is no opposition to AB 2521.

**For these reasons I am pleased to sponsor AB 2521 and respectfully request you sign Assembly Bill 2521.**

If you have any questions or need additional information, please feel free to contact Daniel Felizzatto in my Sacramento Legislative Office at (916) 442-0668.

Very truly yours,



GEORGE GASCÓN  
District Attorney

cc: Assembly Member Waldron