March 5, 2021

The Honorable Tasha Boerner Horvath

California State Assembly

State Capitol Building

Sacramento, CA 95814

**RE: AB 341 (Boerner Horvath) – Support**

Dear Assemblymember Boerner Horvath:

On behalf of the California Women’s Law Center, we write in support of AB 341 which will provide additional protections for victims of sexual assault by requiring that evidence proffered from social media accounts be evaluated by a judge before they are admissible.

Social media has become prolific. In sexual assault cases, defense attorneys have turned to mining social media accounts of sexual assault victims to discover information that can be used against the victim during trial. Under the current Rape Shield Law, if evidence of sexual conduct of the complaining witness is offered to attack that witness’s credibility in a rape prosecution, the defense attorney must follow specific procedures before this information can be admitted.

AB 341 would narrowly expand the current Rape Shield Law to include situations where a defendant offers evidence about the sexual conduct of a witness from a social media account that is not related to the alleged offense. If such evidence is introduced, the defense would be required to produce a written motion showing the relevancy of the social media evidence. AB 341 will protect the privacy of the victim, and reduce blatant attempts to embarrass, shame or discourage a victim from testifying against their perpetrator.

CWLC’s mission is to create a more just and equitable society by breaking down barriers and advancing the potential of women and girls through transformative litigation, policy advocacy, and education. We prioritize ensuring survivors of sexual assault have access to all avenues of justice available to them.

For these reasons, the California Women’s Law Center supports AB 341.



Sincerely,

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