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Representing the 19th Assembly District

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THE RESEARCHER PROTECTION ACT OF 2008 SIGNED BY THE GOVERNOR

Sacramento – AB 2296, authored by Gene Mullin (D-South San Francisco), the Researcher Protection Act of 2008, was signed by the Governor. This new law will enhance the ability of local law enforcement and prosecutors to protect academic researchers and their families who are victims of threatening and destructive tactics employed by extremists, by identifying those extremists without jeopardizing legitimate and lawful expressions of free speech. AB 2296 is sponsored by the University of California.

AB 2296 creates a new misdemeanor law making it a violation for any person to publish information describing or depicting an academic researcher or his or her immediate family member, or the location or locations where an academic researcher or his or her immediate family member may be found, with the intent that another person imminently use the information to commit a crime involving violence or a threat of violence and the information is likely to produce the imminent commission of such a crime.

Additionally, this new law defines a specific form of misdemeanor trespass that is committed where a person with the intent to chill, prevent the exercise of or interfere with the academic freedom of an academic researcher, enters onto the residential real property of the academic researcher.

Recently, attacks have taken place at the homes of professors engaged in animal research at UC Berkeley, UCLA and UC Santa Cruz ranging from a child's birthday party being interrupted and the family held hostage to the recent fire bombings of a home and vehicles. Information related to those attacks has been distributed both online and in print form. Unlike existing law, AB 2296 includes all types of publishing, not just online content.

Certain academic research terrorists are very secretive and law enforcement has had difficulty investigating these crimes. A law that allows trespass prosecutions for entry onto researchers' residential property will allow police and prosecutors to investigate these crimes. Evidence taken from trespass defendants—fingerprints and perhaps DNA samples—could lead to successful prosecutions in bombing cases.

While traditional targets have included research and biomedical laboratories, the Internet and other technological advances have provided extremists with additional ways to threaten an increasing number of people, including third parties, including those related to a targeted researcher. Targeted researchers have included those in many areas of academia, including researchers working with animals, stem cells, political science, the law and many others.

“Increasingly, the potential for innovative thought and new medical therapies is jeopardized by threats aimed at researchers and their families,” Mullin said. “The signing of AB 2296 sends a message that California values its researchers and their families and that violence or serious threats of violence are never the answer.”

AB 2296 provides local law enforcement with the tools necessary to identify extremists earlier in order to prevent serious violent crimes against researchers and their families. This new law will go into effect immediately.

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