OFFICE OF THE GOVERNOR

SEP 29 2024

To the Members of the California State Assembly:

I am returning Assembly Bill 2773 without my signature.

This bill would require the applicable standard of proof in cases brought under the Elder Abuse and Dependent Adult Civil Protection Act to be reduced if the defendant is found to have spoliated evidence.

While I share the author's goals of deterring defendants from concealing, damaging, or destroying evidence and preventing elder and dependent abuse, we should not completely remove a judge's discretion to craft appropriate remedies in response to spoliation. A more nuanced approach would be to specify that a judge may reduce the standard of proof under these circumstances.

For this reason, I cannot sign this bill.

Sincerely,

Gavin Newsom