



AUTHORS
ALLIANCE

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September 14, 2022

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

via email to Leg.Unit@gov.ca.gov

**RE: Request for Signature on Assembly Bill 2799 (Jones-Sawyer) — Evidence:
admissibility of creative expressions.**

Dear Governor Newsom:

On behalf of Authors Alliance, I request your signature for Assembly Bill 2799, the Decriminalizing Artistic Expression Act (“AB 2799”), which would restrict the use of lyrics and a wide variety of other forms of creative expression as evidence in a criminal trial. Authors Alliance is a nonprofit organization dedicated to advancing the interests of authors who want to serve the public good by sharing their creations broadly, and we make this submission in order to explain the positive effects this bill would have on broader creative communities, such as our author-members.

Authors Alliance members, and creators writ large, depend on their First Amendment rights to freely create new expressive works, share new insights with the world, and contribute to the progress of knowledge. This creative work often results in books, articles, essays and other literary works that invite readers to explore fictional scenarios that are controversial, challenging, and sometimes even criminal in nature. To avoid a chilling effect on these authors’ creative expression, it is crucial that authors retain the ability to express themselves without fear that their writings can be used against them as evidence of criminal activity or intent in court.

By introducing a higher standard for admissibility of creative expression in a criminal trial, AB 2799 would ensure that such expression will not be used against creators unless it is actually relevant to the case, mitigating the chilling effect of permitting creators’ words to be used as evidence against them in criminal trials. In so doing, AB 2799 would fortify First Amendment

protections for a wide variety of creators, leading to a freer and more vibrant speech ecosystem and ultimately benefiting the public at large.

Sincerely,

A handwritten signature in black ink, appearing to read "Rachel Brooke". The signature is fluid and cursive, with the first name "Rachel" and last name "Brooke" clearly distinguishable.

Rachel Brooke
Senior Staff Attorney, Authors Alliance
1477 Fifth Street, Oakland CA 94607

cc: Jessica Devencenzi, Deputy Legislative and Cabinet Secretary,
Jessica.Devencenzi@gov.ca.gov