

California Coercion and Cover-Up Act (Outline):

- This law combines and modifies the [New York Coercion Laws](#) (specifically New York Penal Law Section 135.60, 135.65, and 135.75) with a broader definition of a cover-up under California's [Sexual Abuse and Cover-Up Accountability Act](#) (AB 2777). Changes from the New York Extortion Laws, AB 2777, or other laws (e.g., pre-AB 2777 statute of limitations in California) are underlined:
- We aim to enhance protections against coercive tactics that force individuals to withhold testimony or information for legal matters. We are currently addressing critical issues regarding coercion and witness protection laws. By doing so, we hope to align California's laws to better safeguard the rights of victims and witnesses. In contrast, New York law provides clearer definitions of coercion, including protections against the fear of physical injury, property damage, and the withholding of testimony. It is inclusive of "or another will."
- Additionally, federal regulations exist to address altering of records after an intentional cover-up.

One of the main challenges is that California lacks specific laws that define the elements of coercion and witness interference. This legal gap has allowed individuals in industries to exploit these ambiguities related to Hollywood.

This difference highlights the urgent need for California to strengthen its legal framework.

- **Third Degree Coercion:** When a person compels or induces a person to engage in conduct which the latter has a legal right to abstain from engaging in, or to abstain from engaging in conduct in which he or she has a legal right to engage, or compels or induces a person to join a group, organization or criminal enterprise which such latter person has a right to abstain from joining, or compels or induces a person to produce, disseminate, or otherwise display an image or images depicting nudity of such person or depicting such person engaged in sexual conduct as defined in subdivisions two and three of [New York Penal Law Section 235.20](#), by means of instilling in him or her a fear that, if the demand is not complied with, the actor or another will:
 - Cause physical injury to a person; or
 - Cause damage to property; or
 - Engage in other conduct constituting a crime; or
 - Accuse some person of a crime or cause criminal charges to be instituted against him or her; or
 - Expose a secret or publicize an asserted fact, whether true or false, tending to subject some person to hatred, contempt or ridicule; or
 - Cause a strike, boycott or other collective labor group action injurious to some person's business; except that such a threat shall

not be deemed coercive when the act or omission compelled is for the benefit of the group in whose interest the actor purports to act; or

- Testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or
 - Use or abuse his or her position as a public servant by performing some act within or related to his or her official duties, or by failing or refusing to perform an official duty, in such manner as to affect some person adversely; or
 - Perform any other act which would not in itself materially benefit the actor but which is calculated to harm another person materially with respect to his or her health, safety, business, calling, career, financial condition, reputation or personal relationships.
 - Report his or her immigration status or suspected immigration status.
- **Second Degree Coercion:** When a person compels another person to engage or refrain from engaging in lawful conduct by instilling a fear from that person or another action of
- Physical injury;
 - Damage to property;
 - Other crimes against the victim or another;
 - Criminal accusations against the victim or prosecution of charges against the victim or another;
 - Exposing a secret about the victim or another subjecting him or her to "hatred, contempt or ridicule";
 - A boycott or other collective action against the victim's business unless the action is for the benefit of the group's interest;
 - Testimony against the victim or Withholding testimony or information in respect to another's legal claim or defense;
 - An official position being used to harm the victim or another;
 - Any other act calculated to harm the victim's health, safety, business, calling, career, financial condition, reputation or personal relationships.
- **First Degree Coercion:** When a person, having committed second-degree coercion, or another actor actually instilled in the victim a fear of physical injury or property damage, or induced the victim to:
- Commit or attempt to commit a felony;
 - Cause or attempt to cause physical injury to another person; or
 - Violate his or her duty as a public servant.

- **Cover-Up:** A deliberate effort to hide evidence, information, and testimony relating to (a) in respect to another's legal claim or defense, (b) an assault, a sexual assault or other sexual misconduct that does ONE of the following:
 - incentivizes individuals to be silent and refrain from lawful conduct and having public documentation of the acts
 - enacts Destruction, Alteration, or Falsification of Records in respect to coercion of the victim, a witness, or another or the cover-up of conduct related to a legal claim or defense
 - prevents information relating to another's legal claim or defense, an act of coercion, assault, sexual assault or misconduct from being in testimony, in reports, in legal claims or public documents, communicated to others, or being disclosed to the plaintiff or in another's legal claim
uses nondisclosure agreements, confidentiality agreements, or agreements to cover-up acts, not to the exclusion of promised benefits
 - performs Acts involving Interstate Communications, Travel in Aid of Cover-Up, Destruction, Alteration, or Falsification of Records, Obstruction of Justice, Tampering with a Witness, Victim, or Informant.
 - Similar to: 18 U.S.C. § 1519, 18 U.S.C. § 1512(b)(1) and (2), 18 U.S.C. § 1952
 - *Unlike in the previous definition, the first and third points were required, whereas this version needs just one of them or the fourth bullet point to hold.*
- If coercion in the first, second, or third degree or a cover-up as specified above has been committed against the plaintiff, they can bring a case against the perpetrator in court in whichever state the acts took place.
 - *Even if related victims, witnesses, and legal claims or defenses reside in multiple states, the claims can be pursued even if initiated in, related to, or from California, inclusive of by another actor.*
- Unlike in AB 2777, a cover-up is not exclusive to a civil offense.
- (A) Civil lawsuits can be brought forward with this law in addition to relating personal injuries and lost property, inclusively, as well as to damages in respect to another's legal claim or defense.
(B) In criminal codes, like in New York, there is first degree coercion, a class D felony punishable by a sentence of at least 7 to 10 years in prison. In addition, the court may impose a fine which is the greater of \$10,000,

double the amount of the defendant's gain from commission of the crime, or a more appropriate figure determined by a judge or jury.

- Like in the New York Extortion Laws, second and third degree coercion remain class A misdemeanors and are punishable by a sentence of up to 5 years in prison, a fine of up to \$5,000 or a more appropriate figure determined by a judge or jury, or both.
- Even if the victim or another cannot pay for a civil trial or to withstand the coercion with respect to their legal claims or defense, the court is still obligated to pursue and prosecute the perpetrators to the extent of this and any other applicable law.
- The statute of limitations on all these crimes is the broadest of the following periods:

within twenty years of the perpetrator's last act of cover-up with respect to the victim or another's attempted or existing legal claim or defense, inclusive of witnesses and assaults, with an act of coercion against the victim or another which benefit the actor or another.

- A benefit does not need to be received exclusively by the actor, but can be for another actor, inclusively.

within ten years from the date that the victim discovered or reasonably should have discovered an injury or illness that resulted from those harmful acts

within a five-year window after this law is enacted regardless of when the initial crime took place

- Unlike AB 2777, this act covers "claims that were brought against a public entity, claims that have been litigated to finality in a court of competent jurisdiction before January 1, 2020, and any claims that have been compromised by a written settlement agreement between the parties entered into before January 1, 2020."

(C) Coercion, applicable to this law, effectively makes forced settlements and forced declarations, *inclusive of affidavits not filed in court*, null and void, allowing victims to pursue their claims.

- Any detail that isn't specified here is elaborated further in AB 2777 and the New York Laws themselves.