



SENATOR DAVE CORTESE

SB 300

Sentencing Reform Act of 2021

SUMMARY

SB 300 will address the injustice of the felony murder special circumstance law by allowing for a sentence other than the death penalty or life in prison without parole for a person who did not kill anyone, nor intend for anyone to die. The penalty would be 25-to-life, a very severe penalty, for persons who participated in an underlying felony, but did not kill someone or intend for any person to die.

This bill restores judicial discretion to impose a sentence of 25-years-to-life, rather than death or LWOP when the judge rules that it serves the interest of justice in a case where a special circumstance is charged.

ISSUE

Current California law mandates a sentence of death or life without the possibility of parole (LWOP) for anyone convicted of "murder with special circumstances," even if the person did not kill anyone, nor intend for anyone to die. Under current law, if a person dies during the course of certain felonies, even if the death is accidental, those who were involved in the felony are subject to these severe punishments regardless of their role in the person's death or their intent. SB 300 will end this unjust practice.

Additionally, for all crimes in this sentencing scheme, if any special circumstance is found true, the judge has no choice but to sentence the person to death or LWOP – current law forbids the judge from considering whether these punishments are fair in any given case. The mandated minimum is to die behind prison walls, without any means of earning parole.

SB 300 will return to judges the discretion to dismiss special circumstance allegation if the judge decides that a sentence of 25 years-to-life – that is, life *with* the

possibility of parole – is more appropriate and better serves the interest of justice.

Requiring these extreme punishments has resulted in a rigid, arbitrary, and draconian system that has meted out punishments that are severely disproportionate to the person's culpability and do not serve the interest of justice or public safety.

BACKGROUND

Sentencing someone to die in prison – whether by the death penalty or by life without the possibility of parole – is virtually unheard of in much of the world. California not only regularly imposes these sentences but *requires* judges to impose them for certain categories of offenses, even on defendants who did not kill, nor intend for a person to be killed.

The "special circumstances" sentencing scheme reflects the worst tendencies within our criminal justice system – and overwhelmingly impacts people of color. More than two-thirds of people serving LWOP in California are Black or brown, and the vast majority had no prior criminal record before being sentenced to die in prison. Most were under 25 years of age at the time of the offense.

Decades of research has failed to show any public safety benefit from LWOP or the death penalty. On the contrary, severe punishments like these have driven the mass incarceration crisis that has destroyed lives, families, and entire communities, particularly Black and brown communities that have long been deprived of supportive investments and programs while being targeted by policing, racism, and oppression.

SB 1437 (Skinner) from 2018 reformed the first-degree felony murder rule. It did not however, change "felony

murder special circumstances” and there is more work to be done.

Over the past decade, California voters and the Legislature have taken important steps to reduce the state’s reliance on punishment and imprisonment, including for people serving long sentences and for serious crimes. These reforms have benefited the safety of our communities by returning people to their families and freeing up funds that can be invested in addressing community needs, including mental health, job training, and education. However, none of this progress has benefited the families of persons convicted under ‘special circumstance’ or the people serving LWOP or the facing execution under the death penalty.

THIS BILL

SB 300 will address the injustice of the felony murder special circumstance law by allowing for a sentence other than the death penalty or life in prison without parole for a person who did not kill anyone, nor intend for anyone to die.

This bill restores judicial discretion to impose a sentence of 25-years-to-life, rather than death or LWOP when the judge rules that it serves the interest of justice in a case where a special circumstance is charged.

SUPPORT

Anti-Recidivism Coalition (**Sponsor**)
California Coalition for Women Prisoners (**Sponsor**)
Californians United for a Responsible Budget (CURB) (**Sponsor**)
The Drop LWOP Coalition (**Sponsor**)
Ella Baker Center for Human Rights (**Sponsor**)
Families United to End LWOP (FUEL) (**Sponsor**)
Felony Murder Elimination Project (**Sponsor**)
Silicon Valley De-Bug (**Sponsor**)
Young Women’s Freedom Center (**Sponsor**)
8th Amendment Project
Alameda County Public Defender’s Office
Alliance San Diego
American Friends Service Committee
Asian Americans Advancing Justice - California
Asian Solidarity Collective

Bay Rising
Bend the Arc: Jewish Action
Black Women for Wellness
California Attorneys for Criminal Justice
California Calls
California Catholic Conference
California Federation of Teachers, AFL-CIO
California Immigrant Policy Center
California Nurses Association
California Public Defenders Association
Californians for Safety and Justice
Center on Juvenile and Criminal Justice
Change Beings with Me Indivisible Group
Children’s Defense Fund California
Communications Workers of America, Local 9415
Community Health Councils
Courage California
Cure California
Dignity and Power Now
Drug Policy Alliance
Empowering Pacific Islander Communities
Friends Committee on Legislation of California
Heals Project
Homeboy Industries
Homies Unidos Inc.
Human Impact Partners
Human Rights Watch
Immigrant Legal Resource Center
Indivisible Los Gatos
Indivisible San Francisco
Indivisible Yolo
Initiate Justice
Interfaith Movement for Human Integrity
Kehilla Community Synagogue
La Defensa
Lawyers’ Committee for Civil Rights – San Francisco
League of Women Voters of California
Legal Services for Prisoners with Children
Lincoln Memorial Congregational Church
Los Angeles Urban League
MILPA
National Center for Lesbian Rights
Pillars of the Community
Prison Policy Initiative
Prisoner Advocacy Network
Progressive Democrats for Social Justice
Re:Store Justice
Reimaging Justice (At the Goldman School of Public Policy)

Resilience Orange County
Reuniting Families Contra Costa
Riverside Temple Beth El
Rubicon Programs
San Francisco Public Defender
San Mateo County Participatory Defense
Secure Justice
Self-Awareness and Recovery
Showing up for Racial Justice (SURJ) Marin
Showing up for Racial Justice (SURJ) North County
Showing up for Racial Justice (SURJ) San Diego
Showing up for Racial Justice (SURJ) San Jose
Special Circumstances Conviction Project
Starting Over Inc.
Survived & Punished
The American Constitution Society Chapter for Santa Clara University School of Law
The Place4Grace
The Social Justice Ministry of the Live Oak Unitarian Universalist Congregation of Goleta, CA
The Transformative In-Prison Workgroup
Think Dignity
Team Justice
Time for Change Foundation
UCLA Center for Study of Women
UFCW
Uncommon Law
United Core Alliance
Urban Peace Movement
Viet Rainbow of Orange County
Voices for Progress
We the People – San Diego
Western Regional Advocacy Project
White People 4 Black Lives
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