

## CDAO Oppose Bills 2021

### Key:

\*Bills in blue are in the top 14

\*Bills in pink were spot/watch bills

\*Bills in yellow are 2/3 vote

1. **AB 124 (Kamlager) – Vacatur relief & coercion defense for HT victim-defendants**
  - a. Requires the court, when determining sentencing, to consider if the inmate experienced intimate partner violence, commercial sex trafficking, and if the trauma of those experiences was a contributing factor to the defendant’s criminal behavior that would make a sentence other than the lowest possible sentence unduly harsh.
  - b. Status- Asm. Floor
2. **AB 256 (Kalra) – Racial Justice Act retroactivity**
  - a. Makes the California Racial Justice Act of 2020 (CRJA), which prohibits the state from seeking or obtaining a conviction or sentence on the basis of race, ethnicity or national origin, retroactive to cases where judgment was entered prior to January 1, 2021.
  - b. Status- Asm. Appropriations suspense file
3. **AB 329 (Bonta) – Bail**
  - a. Requires bail to be set at \$0 for all offenses except, among others, serious or violent felonies, violations of specified protective orders, battery against a spouse, sex offenses, and driving under the influence. Requires the court to order a return of money or property paid to a bail bond company under specified circumstances, including when the individual makes all court appearances in a criminal case charged in connection with the arrest.
  - b. Status: Asm. Appropriations committee
4. **AB 333 (Kamlager) - Gang enhancements**
  - a. Redefines the terms “pattern of criminal gang activity” and “criminal street gang” for the purposes of the gang offense, enhancement, and alternate penalty under the STEP Act and requires bifurcation of gang-related prosecutions from prosecutions that are not gang-related
  - b. Status: Asm. Floor
5. **AB 503 (Stone) – Probation limit to 6 months for wards**
  - a. Limits the period of time in which a court may place a ward of the court on probation to six months, except that a court may extend the probation in six month increments if it is in the best interest of the ward.
  - b. Status: Sen. Rules committee
6. **AB 518 (Wicks) – Possible punishment in multiple ways**
  - a. Provides that an act or omission that is punishable in different ways by different provisions of law may be punished under any of those provisions, including the lesser of the available sentences.
  - b. Status: Asm. Appropriations committee
7. **AB 679 (Friedman) 2/3 Vote – In-custody defendants**

- a. States that in a prosecution for any crime, testimony by, or information obtained by, an in-custody informant regarding a statement made by the defendant, while the defendant was in custody, shall not be admissible as evidence against the defendant.
- b. Status: Asm. Appropriations committee
- 8. **AB 960 (Ting) – Medical parole**
  - a. Creates a medical parole panel at each California Department of Corrections and Rehabilitation (CDCR) prison. Expands the criteria for medical parole
  - b. Status: Asm. Appropriations committee
- 9. **AB 1127 (Santiago) 2/3 Vote Juvenile enhancements**
  - a. Prohibits a juvenile adjudication from being considered a prior serious or violent felony conviction for purposes of sentence enhancement under the Three Strikes Law.
  - b. Status: Asm. Appropriations committee
- 10. **AB 1224 (Levine) 2/3 Vote – Sentencing: special circumstances**
  - a. Permits a judge, sua sponte or upon the application of either party, and in furtherance of justice, to order the dismissal of a special circumstance finding or admission.
  - b. Status: Asm. Appropriations committee
- 11. **AB 1245 (Cooley) – Resentencing after 15 years**
  - a. Allows a defendant to petition a court to resentence them to a lower sentence after the defendant has served at least 15 years of their sentence. Creates a presumption that the court will grant a petition to recall and resentence a defendant made by Board of Parole Hearings (BPH), California Department of Corrections and Rehabilitation (CDCR), the sheriff, or the district attorney.
  - b. Status: Asm. Appropriations committee
- 12. **AB 1474 (Gabriel) Consideration of costs at resentencing**
  - a. Requires prosecutors and judges to state on the record the estimated cost of incarceration or supervision for any proposed sentence in a criminal case.
  - b. Status: Asm. Appropriations committee
- 13. **AB 1509 (Lee) Firearm enhancements**
  - a. Repeals several firearm enhancements, reduces the penalty for using a firearm in the commission of specified crimes from 10 years, 20 years, or 25-years-to-life to one, two or three years, and authorizes recall and resentencing for a person serving a term for these enhancements.
  - b. Status: Asm. Appropriations committee
- 14. **AB 1540 (Ting) Resentencing**
  - a. Requires the court to provide counsel for the defendant when there is recommendation from the Secretary of the Department of Corrections and Rehabilitation (CDCR), the Board of Parole Hearings (BPH), Sheriff, or the prosecuting agency, to recall an inmate’s sentence and resentence that inmate to a lesser sentence. Creates a presumption favoring recall and resentencing, as specified, when the recommendation has been made by one of the agencies described above.
  - b. Status: Asm. Appropriations committee
- 15. **SB 57 (Wiener) Overdose prevention**

- a. Permits the City and County of San Francisco, the County of Los Angeles, and the City of Oakland to approve entities to establish and operate overdose prevention programs (OPPs) until January 1, 2027. This bill requires OPPs to provide specified services, including supervision by trained staff and referrals for treatment.
  - b. Status: Sen. Rules committee
- 16. **SB 73 (Wiener) Probation eligibility: controlled substance offenses**
  - a. Permits a court to grant probation for specified drug offenses which are currently either ineligible or presumptively ineligible for probation.
  - b. Status: Asm. Desk
- 17. **SB 81 (Skinner) – Enhancement factors for PC 1345**
  - a. Limits the use of sentencing enhancements.
  - b. Status: Sen. Appropriations committee
- 18. **SB 82 (Skinner) – Robbery reductions to petty theft**
  - a. Requires theft of property that is valued under \$950 where specified circumstances are not present to be charged as a misdemeanor.
  - b. Status: Sen. Appropriations suspense file
- 19. **SB 262 (Hertzberg) – Bail**
  - a. Requires zero-dollar bail for all misdemeanor and felony offenses, except as specified, and to require Judicial Council to prepare, adopt, and annually revise a bail schedule for the exempt offenses.
  - b. Status: Sen. Appropriations suspense file
- 20. **SB 299 (Leyva) 2/3 Vote Victim Compensation**
  - a. Expands the definition of crime to include any use of force by a peace officer that results in serious bodily injury or death, regardless of whether the peace officer is arrested for, charged with, or convicted of committing a crime.
  - b. Status: Sen. Appropriations committee
- 21. **SB 300 (Cortese) 2/3 Vote Murder**
  - a. Repeals the provision of law requiring punishment by death or imprisonment for life without the possibility of parole (LWOP) for a person convicted of murder in the first degree who is not the actual killer, but acted with reckless indifference for human life as a major participant in specified dangerous felonies.
  - b. Status: Sen. Appropriations suspense file
- 22. **SB 461 (Cortese) – Unfair Competition Law: enforcement**
  - a. Authorizes a county counsel of a county within which a city has a population in excess of 750,000 people to bring an action under California’s Unfair Competition Law.
  - b. Status: Sen. Appropriations suspense file
- 23. **SB 481 (Durazo) 2/3 Vote Special Circumstances**
  - a. Authorizes a judge, in the furtherance of justice, to dismiss a special circumstance in cases in which the sentence is life imprisonment without the possibility of parole (LWOP) and to create a presumption in favor of dismissal for people who were 25 years of age or younger at the time of the offense and have been incarcerated for at least 15 years
  - b. Status: Sen. Appropriations committee
- 24. **SB 519 (Wiener) Decriminalization of certain hallucinogenics**

- a. Makes lawful the possession for personal use and the social sharing of specified controlled substances by and with persons 21 years of age or older, and to provide for the resentencing or dismissal and sealing of convictions for offenses that would be made lawful by this bill.
  - b. Status: Sen. Appropriations committee
- 25. **SB 567 (Bradford) – *Cunningham* changes**
  - a. Provides that aggravating factors relied upon by the court to impose a sentence exceeding the middle term must be submitted to the factfinder and found to be true, except that prior convictions may be proven by a certified record of conviction.
  - b. Status: Sen. Appropriations committee
- 26. **SB 586 (Bradford) 2/3 Vote Criminal fees**
  - a. Eliminates a number of fees related to probation, diversion, traffic violations and other criminal cases
  - b. Status: Sen. Appropriations committee
- 27. **SB 731 (Durazo) Criminal record relief**
  - a. Permits additional relief by way of withdrawing a plea and deleting arrest records for the purpose of most criminal background checks.
  - b. Status: Sen. Appropriations committee
- 28. **SB 775 (Becker) – Extend to attempt murder and manslaughter**
  - a. The purpose of this legislation is to 1) clarify that persons who were convicted of attempted murder or manslaughter under a theory of felony murder and the natural probable consequences doctrine are permitted the same relief as those persons convicted of murder under the same theories; and 2) permit for the appointment of counsel in petitions for resentencing under these provisions when a court believes a petitioner fails to make an initial prima facie showing.
  - b. Status: Sen. Appropriations committee