



Senator Anthony Portantino
Chair, Senate Appropriations
State Capitol, Room 2206
Sacramento, CA 95814

Re: Support – SB 300 (Cortese), the Sentencing Reform Act of 2021

Dear Senator Portantino,

On behalf of Together We Will/Indivisible - Los Gatos (TWW/I - LG), I write in strong support of SB 300, the Sentencing Reform Act of 2021, which will increase fairness in the justice system by reforming California's unjust "felony murder special circumstance" law by ensuring that the death penalty or life without the possibility of parole (LWOP) will not be imposed on a person who did not kill or intend that a person die during the commission of a felony, such as robbery or burglary. The bill will also address the injustice of mandatory life without parole sentences by restoring to judges the discretion to impose a parole eligible sentence should they deem it best serves the interest of justice. The bill will reduce ongoing annual State General Fund costs by reducing the number of new LWOP sentences and by allowing for the resentencing and release of persons unjustly sentenced to LWOP or death by execution.

TWW/I - LG has over 350 civically engaged members and is a member of the Indivisible CA: StateStrong coalition of over 80 Indivisible groups in California. The StateStrong coalition has endorsed SB 300 for support in 2021. The members of TWW/I - LG believe that passing this bill would help address injustices in sentencing and incarceration.

The death penalty and life without the possibility of parole (LWOP) are punishments so extreme they are virtually unheard of in much of the rest of the world. California not only regularly imposes these sentences but currently *requires* judges to impose them for any adult convicted of "murder with special circumstances," even if the person did not kill anyone nor intend anyone to die. Like other enhancements, special circumstances law allows for unchecked prosecutorial discretion that has resulted in disturbing racial disparities in death penalty and LWOP sentences. Under current law, if a person dies during the course of certain felonies, even if the death is accidental, anyone involved in the felony is subject to these severe punishments even though the death was not caused by their individual action or intent. SB 300 will address this injustice by allowing for a sentence other than the death penalty or LWOP for a person who did not kill anyone or intend for anyone to die.

To focus on how the bill will result in ongoing annual savings to the State General Fund. Proponents of the bill estimate that 1,000 currently incarcerated people will petition for relief if this bill is passed, if only half of those eligible for resentencing are found suitable by the court,



that is 500 people's freedom restored. At an annual cost of \$112,600 per person, that would result in ongoing annual savings to the State General Fund of \$56.3 million. If only a fifth were freed after review by the courts and parole board, \$22.5 million in ongoing annual savings to the State General Fund.

Even the most conservative estimate, using marginal annual savings of \$13,000 per person. 500 fewer people, combining fewer new LWOP sentences and resentencing of a fraction of persons unjustly held in state prisons, would eventually result in annual ongoing savings of approximately \$6.5 million. Not only is SB 300 more just, humane and moral, it would ultimately reduce ongoing costs to the state.

For these reasons, we ask for your support of SB 300 (Cortese), the Sentencing Reform Act of 2021.

Sincerely,

Kijrste Morrell

Co-leader TWW/Indivisible – Los Gatos

CC Ella Baker Center, Kari Malkki at Kari@ellabakercenter.org