



March 30, 2021

Honorable Senator Dave Cortese

State Capitol

Sacramento, CA 95814

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

Dear Senator Cortese,

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.

TWW/I – LG is a member of the Indivisible CA: StateStrong coalition of Indivisible groups. This organization of over 80 California Indivisible groups has endorsed SB 300 for support in 2021. We 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 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. This bill takes a modest step towards repealing our unjust special circumstances scheme by allowing judges to impose a parole eligible sentence, should they deem that a death penalty or LWOP sentence is disproportionate. The



bill also provides an avenue for currently incarcerated people to petition the court for resentencing, offering recourse to Californians who have been unjustly sentenced to LWOP or execution.

Decades of research have 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. Reducing our reliance on punishment and imprisonment, including for people serving extreme sentences, will benefit our communities by returning people to their families and freeing up funds that can be invested in addressing true community safety and well-being.

For these reasons, we thank you for your authorship of this important bill, and support SB 300 (Cortese), the Sentencing Reform Act of 2021. Please contact me at tww.losgatos@gmail.com with any questions.

Sincerely,

Kjirste Morrell

Co-leader TWW/Indivisible – Los Gatos