



Senators Holly J. Mitchell and Lara

SB 180 RISE Act – Repeal Ineffective Sentencing Enhancement Act

ISSUE

SB 180 is one modest step in implementing the bipartisan movement to end wasteful incarceration spending in favor of community reinvestment.

The Repeal Ineffective Sentencing Enhancement Act (RISE) will reduce jail overcrowding by amending the code section that doubles or triples the sentence for a nonviolent drug offense if a person has been previously convicted of a similar offense. As of 2014, there were more than 1,635 people in county jails across California sentenced to five to ten years. There were at least 124 people sentenced to more than ten years in county jail. The leading causes of these excessive sentences are drug sales, possession for sale, or similar nonviolent drug offenses, which are compounded by cruel and costly sentencing enhancements. Thousands more are serving such sentences in prison.

Sentence enhancements compound previous sentences retroactively for which a person was already punished, resulting in a “double jeopardy” injustice. By repealing sentencing enhancements for people who already served their time, California can divest from expensive and ineffective policies of mass incarceration in order to invest in our communities.

In recent years there has been a clear and evident cultural shift away from incarceration for non-violent drug offenses. The most obvious and statewide expression of that shift was the passage of Propositions 64, 47 and 57. In 2014 Proposition 47 passed, which reduced many non-violent felonies (including drug possession) to a misdemeanor. In 2016, Proposition 64 passed, which decriminalized possession of marijuana and reduced penalties for growing or selling marijuana. Also in 2016, Proposition 57 passed, making people in prison with non-violent convictions eligible for parole after completing their base terms – prior to serving time on any sentence enhancements.

However, Proposition 57 does not impact people in county jail. Thus, people in county jail can serve longer sentences than those in state prison, even if they have been convicted of the same crime.

The policy of sentencing people with nonviolent convictions to long periods of incarceration is an expensive failure that does not reduce the availability of drugs in our communities. Instead, it cripples state and

local budgets that should prioritize our best policies against drug sales and drug use - drug prevention and treatment, education, and employment for individuals with a history of incarceration.

THIS BILL

SB 180 RISE Act repeals specified sections of Health & Safety Code 11370.2 to remove sentencing enhancements that add additional three-year terms of incarceration for each prior conviction of nonviolent drug offenses. The bill does not repeal sentence enhancements for using a minor to commit drug offenses, nor does it amend any other felony enhancement.

BACKGROUND

Sentence enhancements, which were central strategies to the failed War on Drugs, were utterly ineffective in reducing or deterring drug use and availability. Controlled substances are now cheaper and more widely available than ever before, despite a massive investment of tax revenue and human lives in an unprecedented buildup of prisons and jails.

The drug war has devastated families, low-income communities, and communities of color who are disproportionately incarcerated. Young people are swept up in minor crimes and suffer years of incarceration followed by lifetime barriers to employment and ineligibility for education and housing benefits. The emphasis on incarceration rather than public health strategies contributed to the worst epidemic of fatal opioid overdoses in our country’s history, and high rates of HIV and viral hepatitis among drug users.

Research shows that community based programming is the most effective in reducing the suffering caused by substance use disorders and illegal drug sales in our communities. Examples of those programs are community-based drug treatment, employment and housing for persons with prior convictions, and pre-school and afterschool programs which have been proven to reduce adolescent drug use and involvement in the drug market.

SUPPORT

ACLU of California (co-sponsor)
California Public Defenders Association (co-sponsor)
Californians United for a Responsible Budget (co-sponsor)
Coalition for Humane Immigrant Rights of Los Angeles (co-sponsor)
Drug Policy Alliance (co-sponsor)
Ella Baker Center for Human Rights (co-sponsor)
Friends Committee on Legislation California (co-sponsor)
Legal Services for Prisoners with Children (co-sponsor)
Access Support Network San Luis Obispo, Monterey and San Benito Counties
Amity Foundation
A New Way of Life Reentry Project
American Friends Service Committee
Anti-Recidivism Coalition
Asian American Criminal Trial Lawyers Association
Asian Pacific Environmental Network
Bay Area Black Worker Center
Because Black is Still Beautiful
Bend the Arc: A Jewish Partnership for Justice
Berkeley Youth Alternatives
Black Women Organized for Political Action
California Alliance for Youth and Community Justice
California Association of Alcohol and Drug Program Executives, Inc. California Partnership
Californians for Safety and Justice
Center for Living and Learning
City College of San Francisco - Health Education Department
Coleman Advocates for Children & Youth
Communities United for Restorative Youth Justice
Congregation Beth Israel of Judea
Contra Costa County Racial Justice Coalition
Contra Costa County Supervisor John Gioia
Courage Campaign
Downtown Women's Center
East Lake United for Justice
El/La Para TransLatinas
Equal Justice Society
Felony Murder Elimination Project
Forward Together
Further the Work
HIV Education and Prevention Project of Alameda County
Homeless Health Care Los Angeles
Jewish Youth for Community Action
Justice Now
Kehilla Community Synagogue
Law Enforcement Action Partnership
Oakland Rising
Office of Richmond Mayor Tom Butt
People's Life Fund
Prison Law Office
Prison Policy Initiative
Project Inform
Reentry Success Center
Root and Rebound Reentry Advocates

Roots Community Health Center
Rubicon Programs
Safe Alternatives to Violent Environments
SHIELDS for Families
Starting Over, Inc.
Students for Sensible Drug Policy
Swords to Plowshares
Tarzana Treatment Centers, Inc.
Temple Beth El, Jewish Community Center of Aptos
The City of Refuge Church
Time for Change Foundation
The Gubbio Project
Transgender Gendervariant Intersex Justice Project
Trybe
Urban Habitat
Wellstone Democratic Renewal Club
Western Regional Advocacy Project
Women's Foundation of California
Youth Justice Coalition

+33 Individuals

OPPOSE

CA POLICE CHIEF'S ASSOCIATION

FOR MORE INFORMATION

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