



Senators Holly J. Mitchell and Lara

SB 180 RISE Act – Repeal Ineffective Sentencing Enhancement Act

ISSUE

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.

In November 2016, voters overwhelmingly passed Proposition 57, 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 current 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 drug prevention and treatment, education, and employment as our best policies against drug sales and drug use.

THIS BILL

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

Specifically, SB 180 will repeal certain sections of Health & Safety Code 11370.2 to remove sentencing enhancement 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.

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.

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 overdose in our country’s history, and high rates of HIV and viral hepatitis among drug users.

Tragically, California underfunds the programs research shows would be most effective in reducing the suffering caused by substance use disorders and illegal drug sales in our communities: community-based drug treatment, employment and housing for persons with prior convictions, and pre-school and afterschool programs proven to reduce adolescent drug use and involvement in drug markets.

In recent years, Governor Brown signed bills by Senator Mitchell, Assemblymember Bradford, and Assemblymember Quirk to reform drug sentences for possession of crack cocaine for sale and for the transportation of controlled substances. In 2014 voters passed Proposition 47, which reduces many non-violent felonies including drug possession to a misdemeanor. In 2016, the voters decriminalized possession of marijuana and reduced penalties for growing or selling marijuana (Proposition 64) and provided the parole board the authority to release people with nonviolent convictions

based on their base sentence, regardless of enhancements (Proposition 57).

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)
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
Black Women Organized for Political Action
California Association of Alcohol and Drug Program Executives, Inc.
Californians for Safety and Justice
City College of San Francisco - Health Education Department
Coleman Advocates for Children & Youth
Communities United for Restorative Youth Justice
Contra Costa County Racial Justice Coalition
Contra Costa County Supervisor John Gioia
Courage Campaign
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
Law Enforcement Action Partnership
Oakland Rising
Project Inform
Reentry Success Center
Root and Rebound Reentry Advocates
Roots Community Health Center
Rubicon Programs
Safe Alternatives to Violent Environments
Students for Sensible Drug Policy
Swords to Plowshares
Tarzana Treatment Centers, Inc.
Office of Richmond Mayor Tom Butt
Time for Change Foundation
Urban Habitat
Wellstone Democratic Renewal Club
Western Regional Advocacy Project
Women's Foundation of California

+13 Individuals

FOR MORE INFORMATION

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