



# **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)  
A New PATH (Parents for Addiction Treatment and Healing)  
A New Way of Life Reentry Project  
Access Support Network San Luis Obispo, Monterey and San Benito Counties  
ACCESS Women's Health Justice  
AFT 2121, City College of San Francisco Faculty Union  
Alameda County Public Defender Brendon Woods  
Alliance San Diego  
Amity Foundation  
American Friends Service Committee  
Anti-Recidivism Coalition  
Arts for Incarcerated Youth Network  
Asian American Criminal Trial Lawyers Association  
Asian American Drug Abuse Program, Inc.  
Asian Pacific Environmental Network  
Asian Prisoner Support Committee  
Bay Area Black Worker Center  
Bay Area Resource Generation  
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 Coalition for Women Prisoners  
California Immigrant Policy Center  
California Immigrant Youth Justice Alliance  
California Partnership  
California Prison Focus  
California Prison Moratorium Project  
Californians for Safety and Justice  
Center for Living and Learning  
Center on Juvenile and Criminal Justice  
City College of San Francisco - Health Education Department  
City of Refuge Church  
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  
Critical Resistance Los Angeles  
Downtown Women's Center  
East Lake United for Justice  
El/La Para TransLatinas  
Employee Rights Center  
Equal Justice Society  
Felony Murder Elimination Project

Forward Together  
Further the Work  
Harm Reduction Services  
HealthRIGHT360  
HIV Education and Prevention Project of Alameda County  
Homeless Health Care Los Angeles  
Human Rights of the Incarcerated at UC Berkeley  
Immigrant Youth Coalition  
Jewish Youth for Community Action  
Justice Now  
Kehilla Community Synagogue  
Law Enforcement Action Partnership  
League of Women Voters of California  
National Association of Social Workers - California Chapter  
National Center for Youth Law  
National Council of Jewish Women, California  
National Employment Law Project  
Needle Exchange Emergency Distribution  
Oakland Rising  
Office of Richmond Mayor Tom Butt  
Or Shalom Jewish Community  
Parent Voices CA  
Peace United Church of Christ  
People's Life Fund  
Positive Women's Network-USA  
Prison Law Office  
Prison Policy Initiative  
Project Inform  
Public Defender of Alameda County  
Reentry Success Center  
Riverside Temple Beth El  
Root and Rebound Reentry Advocates  
Roots Community Health Center  
Rubicon Programs  
Safe Alternatives to Violent Environments  
San Francisco Human Rights Commission  
San Diego Organizing Project  
SHIELDS for Families  
Starting Over, Inc.  
Students for Sensible Drug Policy  
Swords to Plowshares  
T'ruah: The Rabbinic Call for Human Rights  
Tarzana Treatment Centers, Inc.  
Temple Beth El, Jewish Community Center of Aptos  
The Gubbio Project  
The Kitchen  
The Sentencing Project  
Think Dignity  
Time for Change Foundation  
Together to End Solitary Confinement, Santa Cruz  
Transgender Gendervariant Intersex Justice Project  
Trybe  
Urban Habitat  
Venice Community Housing  
W. Haywood Burns Institute  
Wellstone Democratic Renewal Club  
Western Regional Advocacy Project  
Women's Foundation of California  
Youth for Environmental Sanity (YES!)  
Youth Justice Coalition  
+37 Individuals

## **OPPOSE**

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Association for Deputy District Attorneys  
Association for Los Angeles Deputy Sheriffs  
California Association of Code Enforcement Officers  
California College and University Police Chiefs  
Association  
California District Attorneys Association  
California Narcotics Officers Association  
California Police Chiefs Association  
California State Sheriffs' Association  
International Faith Based Coalition  
Los Angeles County Professional Peace Officers  
Association  
Los Angeles Police Protective League  
Riverside Sheriffs' Association  
San Diego County District Attorney

## **FOR MORE INFORMATION**

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Bridget Kolakosky  
Office of Senator Holly J. Mitchell  
(916) 651-4030  
[bridget.kolakosky@sen.ca.gov](mailto:bridget.kolakosky@sen.ca.gov)

