



Senator Scott Wiener, 11th Senate District

Senate Bill 136 – One-year Enhancement Repeal

SUMMARY

Senate Bill 136 repeals the one-year sentence enhancement for each prior prison or felony jail term that an individual has served. When an individual is convicted of a felony, a one-year enhancement is applied to their current sentence for each prior felony for which the individual served a prison or jail sentence. SB 136 does not alter an individual's base sentence for their current felony charge or amend any other enhancements.

BACKGROUND

California has some of the most severe sentence enhancements for prior convictions in the nation. According to the Public Policy Institute of California, "California has more than 100 separate code sections that enhance sentences" based on a person's current offense and/or record of prior convictions.

As of 2016, 79% of people under California Department of Corrections and Rehabilitation custody had some kind of sentence enhancement attached to their base sentence; 25% had three or more enhancements stacked on. SB 136 would amend one of the most commonly used sentencing enhancements that adds one year for each previous prison or felony jail term, which impacted one-third of people convicted in 2017.

Research refutes the idea that the threat of sentencing enhancements deters people from committing crimes. Sentencing enhancements have not made our communities safer. Instead, they have put significant financial burdens on taxpayers and families statewide. Each additional year in prison costs over \$80,000 per person. Long and punitive sentences cripple state and local budgets and shift dollars away from desperately needed community services.

PROBLEM

These sentence enhancements have had devastating impacts on families and communities, specifically those most impacted by the punitive policies of the failed war on drugs and tough-on-crime policies. Research shows horrific intergenerational impacts and gender disparities that exist among incarcerated poor people from communities of color, with women being the fastest growing population behind bars since the 1980s. Furthermore, this ineffective sentence enhancement has cost our state millions of dollars and has increased our prison and jail populations.

SOLUTION

SB 136 would repeal California's one-year sentence enhancement, found in Penal Code 667.5, for each prior prison or felony jail term that an individual has served. Today, when an individual is convicted of a felony, a one year enhancement is applied to their current sentence for each prior felony for which the individual served a prison or jail sentence.

This bill repeals that one year enhancement because this enhancement does not deter crime, is not effective at lowering recidivism rates, has failed to show any positive value for increasing public safety, and costs state and local governments hundreds of millions of dollars each year. In repealing this enhancement, SB 136 does not alter an individual's base sentence for their current felony charge or amend any other enhancements in the Penal Code.

SPONSORS

- ACLU of California
- Californians United for a Responsible Budget
- California Coalition for Women Prisoners
- Coalition for Humane Immigrant Rights
- Drug Policy Alliance
- Ella Baker Center for Human Rights
- Friends Committee on Legislation of California
- Legal Services for Prisoners with Children
- Pillars of the Community
- Tides Advocacy

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