



Senators Holly J. Mitchell and Lara

SB 1392 RISE 2018: 1-year repeal

THIS BILL

SB 1392 *Removes an Ineffective Sentence*

Enhancement (RISE), found in Penal Code 667.5, which adds an additional year of incarceration for each prior prison term or felony county jail term. The bill would not change the base sentence for any offense or amend any other enhancement.

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 1392 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 \$70,000 per person. Long and punitive sentences cripple state and local budgets and shift dollars away from desperately needed community services.

California voters have made a clear and evident cultural shift away from prioritizing incarceration over community investment. This was demonstrated by the passage of Propositions 47, 57 and 64. In 2014, Proposition 47 reduced many non-violent felonies to misdemeanors. In 2016, Proposition 64 decriminalized possession of cannabis and eliminated most felonies for growing or selling cannabis.

In 2017, the same shift was conveyed by the California Legislature with the passage of SB 180

(Mitchell), the RISE Act, which repealed a three-year sentencing enhancement for prior drug convictions.

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.

Repealing ineffective sentencing enhancements can save millions of dollars, reduce prison and jail populations, and end the double punishment for people already impacted by the criminal justice system. It will give California the opportunity to divest from expensive and ineffective policies of mass incarceration and instead invest in our communities.

SOLUTION

Building on California voter and legislative intent, SB 1392 would repeal California's one-year sentencing enhancement for each prior prison or felony jail term. SB 1392 would put in effect the bipartisan movement to end the use of expensive and ineffective tough-on-crime policies that have destroyed thousands of lives and families.

SPONSORS

ACLU of California Center for Advocacy and Policy
CHIRLA (Coalition for Humane Immigrant Rights)
Ella Baker Center
Drug Policy Alliance
Friends Committee on Legislation
Tides Advocacy
California Coalition for Women Prisoners
Californians United for a Responsible Budget
Pillars of the Community
Women's Foundation of California, Women's Policy Institute

FOR MORE INFORMATION

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