

TALKING POINTS FOR SB 300 ASSEMBLY LEGISLATIVE VISITS

What is SB 300?

SB 300 (Cortese), The Sentencing Reform Act, is a modest reform to address extreme sentencing for people charged as accomplices under California's *felony murder special circumstance* law. Current law mandates death by execution or life without possibility of parole, even for those who did not cause or intend a person's death.

What does SB 300 do?

1. SB 300 reforms California's *felony murder special circumstances* law to ensure that the death penalty and life without possibility of parole will not be imposed on people who did not intend or cause a death during the commission of a felony.
2. SB 300 restores discretion to judges to impose a sentence of 25 years-to-life if they determine that an opportunity to earn parole would best serve the interest of justice in a case where a *special circumstance* has been charged.

Why is SB 300 needed?

- Under existing law, if a person dies during the commission of certain felonies, even if the death is accidental, those involved in the underlying felony are subject to mandatory death sentences even though the death was not caused by their action or intent.
- Victims of domestic and sexual violence are particularly vulnerable to this extreme sentencing. Current law mandates that abuse survivors receive life without parole or the death penalty for the actions of their abusers, or actions that resulted from the coercive control of their abusers.
- Youth, especially youth of color, are vulnerable to extreme sentencing under current law. In California, 19 is the most common age of those sentenced to life without parole. 63% of those serving life without parole were under 25 at the time of the offense.
- People of color are targeted for extreme sentencing under *felony murder special circumstances* law. 80% of people sentenced to life without parole in California are people of color. 68% are Black or Latinx.

Impact of SB 300:

- Each year in California, about 160 individuals are sentenced to life without parole. Only a fraction of these cases will be impacted by SB 300. Best estimates show that about 15 cases per year fit the narrow description of individuals charged with *felony murder special circumstances* who did not cause or intend a death. SB 300 would ensure that these individuals would receive a 25-to-life sentence in place of life without parole.

How is SB 300 different from SB 1437 (Skinner) and SB 775 (Becker)?

- SB 1437 changed the definition of first-degree *felony murder* and created a resentencing process for people convicted of murder as accomplices who played a minor role.
- SB 775 addressed problems in implementing SB 1437, including clarifying that the resentencing process *does* apply to people convicted of attempted murder or manslaughter.
- SB 300 extends these important reforms to people charged with *felony murder special circumstances* as accomplices. Neither SB 1437 or SB 775 amended sections of the penal code that mandate life without parole and the death penalty for people charged as accomplices. This requires a $\frac{2}{3}$ vote. SB 300 is also needed to restore judicial discretion.