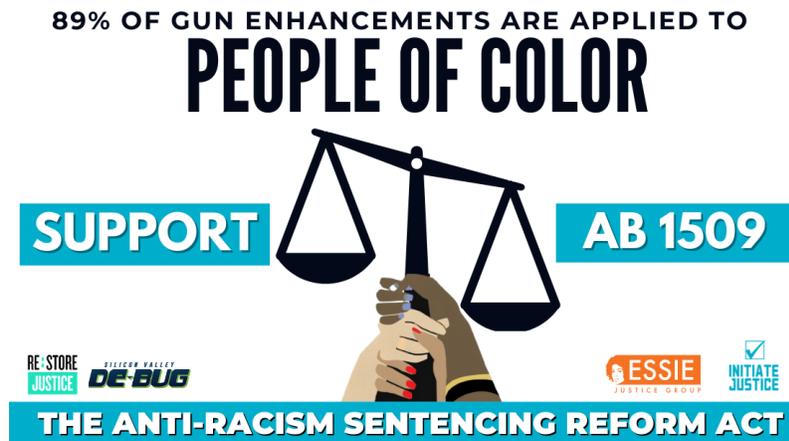


Information and Action Toolkit for AB 1509: The Anti-Racism Sentencing Reform Act



Assembly Bill 1509 (Lee)

What Does This Bill, AB 1509 Do?

- AB 1509 aims to end the 10, 20, 25-to-life gun enhancement law and reduce it to 1, 2, or 3 years.
- AB 1509 will be retroactive.
- AB 1509 will exclude any sex crimes.

Penal codes effected:

- An act to amend Section 7282.5 of the Government Code, and to amend Sections 190, 206, 368, 422.75, 550, 600, 667.5, 667.61, 667.7, 1170.11, 1174.4, 1203.055, 1203.06, 1203.09, 1269b, 2933.5, 2962, 3003, 3057, 12022.2, 12022.53, 12022.55, and 12022.8 of, to add Section 1170.23 to, and to repeal Sections 12021.5, 12022, 12022.4, 12022.5, and 12022.7 of, the Penal Code, relating to enhancements.

Background Info Historical Context:

In 1997, the Legislature passed the “Use a Gun and You’re Done” law. The law was a furtherance of mass incarceration. It came off the heels of the 1994 Crime Bill and the “tough on crime” era.

The “Use a Gun and You’re Done” law significantly increased sentencing enhancements for possessing a gun at the time of committing a specified felony, such as robbery, burglary, homicide etc. Under the law, if someone uses a gun while committing one of the identified crimes, their sentence is extended by 10 years, 20 years, or 25 years-to-life.

Often the enhancement for gun use is longer than the sentence for the crime itself. For example, in the case of second-degree robbery, a person could serve a maximum of six years for the robbery and an extra 10 years for brandishing a gun during the robbery, even if the gun was unloaded or otherwise inoperable. In fact, a gun does not need to be recovered for someone to get a gun enhancement charge/sentence.

Someone convicted of first-degree murder would be sentenced to at least 50 years-to-life if a gun was used, whereas if the murder was carried out using another method – such as strangulation – the sentence would be half the length (25 years-to-life).

Thanks to Senate Bill 620 (Bradford), judges have discretion in applying this enhancement; however the discretion varies from county to county and from judge to judge. Also people who were sentenced before 2019 are still serving decades under this unfair law.

Who is Organizing This Action?

“*Co-Sponsors*” refer to the community based organizations. The four Co-Sponsors of AB1509 are:

- Initiate Justice
- Re:Store Justice
- Silicon Valley De-Bug
- Essie Justice Group

“Main Author and Co Authors” refer to the state legislators who are putting their names on the bill and will help push through the state legislature. The main author is:

- Assemblymember Alex Lee (Main Author, San Jose, Milpitas)

The four Co-Authors are:

- Senator Scott Weiner (San Francisco and parts of San Mateo)
- Assemblymember Wendy Carillo (northeastern Los Angeles and East Los Angeles)
- Assemblymember Ash Kalra (eastern San Jose)
- Assemblymember Mark Stone (Santa Cruz, Monterey)

Main Talking Points on AB 1509:

- Enhancements are sentencing abuses. They disproportionately add decades of time upon time.
- Sentencing enhancements are excessive and unreasonable.
- The gun enhancement law is applied in a racist manner. 89% of people sentenced under the gun enhancement law are brown, black and people of color. (see chart below)
- 40,000+ incarcerated people in California state prisons have gun enhancement sentences. That’s approximately 40% of California’s entire state prison population. (see chart below).
- We have to undo mass incarceration. This law came from the rise in mass incarceration and its dangerous “tough on crime” rhetoric in 1997, with the “use a gun and you’re done law.”
- The gun enhancement law is not a stand alone law, meaning, it is only applied ON TOP OF other felonies committed. This application is akin to Double Jeopardy
- District attorneys use extreme sentencing laws to force plea deals. Approximately 94% of state cases across America end with plea deals because the more extreme the enhancement is, the more prosecutors can leverage longer prison sentences.

- Additional time of 10, 20 or 25 to life in prison does not provide public safety rather, it's financially costly to the public.
- This bill will have a huge cost savings from decarceration. The savings are estimated at almost \$3 Billion per year and can/should go to gun prevention and community resources that ACTUALLY prevent harm.

Some Q&A Opposed to AB 1509:

“They are getting rid of gun enhancements!”

- AB 1509 does not eliminate gun enhancement sentencing. Instead, AB 1509 will keep the gun enhancement law and make the sentencing to 1, 2, or 3 years.

“They are undoing gun control laws!”

- This is not a GUN CONTROL LAW.
- Gun control laws mainly aim to restrict or regulate the sale, purchase, or possession of firearms through licensing, registration, or identification requirements.
- Extreme sentences in prison do not “control guns” in the community. This bill is about mass incarceration and ADDITIONAL ENHANCEMENT on sentencing of 10 years, 20 years, 25 to life.

“They are taking away judicial discretion!”

- No, judges are still able to use their discretion in applying the new 1, 2, 3 year enhancement

“This is a get out of jail free card!”

- No, the person will still be charged, prosecuted and sentenced for all the other main felonies committed. AB 1509 will not change that.
- For those currently in prison, they will have to complete the rest of their sentence for the other felonies committed, PLUS complete the 1, 2 or 3 additional years for the gun enhancement law which AB 1509 proposes.

“Extreme sentencing laws prevent and deter crime!”

- “Prisons and sentencing laws do not deter crime. I was a homeless/unhoused teenager when I was arrested. Housing, for example, would’ve deterred me.”
-Adnan Khan, Re:Store Justice

- Sentencing laws and jail or prison time don't "prevent" crime. Incarceration is a response AFTER harm has already been committed. The thought of incarceration as prevention is not logical.

THIS IS HOW YOU CAN HELP! Support AB 1509 By:

Filling out the attached template letter of support and send it to:

INITIATE JUSTICE
 ATTN: Legislative Letter of Support
 P.O Box 15836
 Los Angeles, CA 90015

Questions for Currently Incarcerated People to Advocate for AB 1509:

(Note: these are just some basic questions and examples for talking points. Please do not hesitate to change or add to these questions/talking points and send suggestions back on what you, as currently incarcerated people, think can be helpful to get legislators to understand the importance of passing AB 1509.

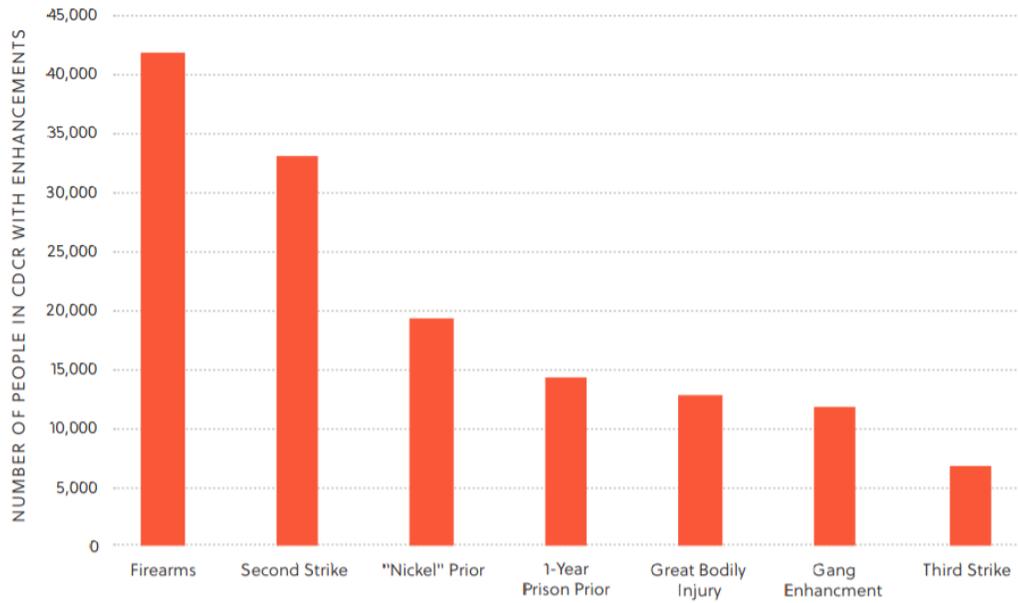
- Did a gun enhancement law prevent you from committing harm? If not, what could have prevented you from committing harm?
 - Ex: "As a teenager, I was a parentless, homeless, high school dropout with layers of trauma from childhood abuse when I committed my crime. Housing (just having a place to sleep comfortably and out of the cold) could have prevented me. Not some law that lived in a penal code book." -Adnan Khan, Re:Store Justice
- Was it a long prison sentence that you needed?
 - Ex: "Prison is brutal. I have witnessed and experienced violence my entire life. In prison, the violence just continued. So for me, it was not "time" that helped me, because the time was/is violent. What helped me was the joy and love from the reunification and connection with my family. It was also the support and empathy from the community that opened those doors to accountability, healing and amends for me." -Phil Melendez, Re:Store Justice

Possible Hard Questions From Those Opposed to AB 1509:

- This bill aims to be retroactive. Why should we let you violent and dangerous criminals out?
- Why did you carry guns? Don't you know guns are dangerous and therefore don't you think you deserve the time?
- What about the victims?

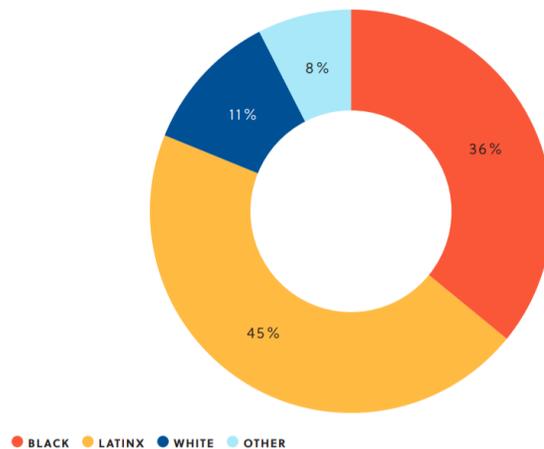
Informational Graphs

MOST COMMON SENTENCING ENHANCEMENTS IN CALIFORNIA (2020)



Source: Source: CDCR Office of Research.

PERCENTAGE OF CALIFORNIA PRISON POPULATION WITH GUN ENHANCEMENT BY RACE (2020)



Source: CDCR Office of Research.