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July 23, 2021

Honorable Lorena Gonzalez
Chair, Appropriations Committee
California State Assembly
Capitol Building, Room 2114
Sacramento, CA 95814

RE: SB 81 (Skinner) as amended July 1, 2021 – SUPPORT

Dear Assembly Member Gonzalez:

Disability Rights California (DRC), a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, **supports SB 81** which would provide clear guidance on how and when judges may apply sentence enhancements. This bill will be heard before Assembly Appropriations Committee.

Disability Rights California is California's designated Protection & Advocacy agency, and we are the largest disability rights organization in the country. One of our primary goals is to eliminate the unnecessary institutionalization of people with disabilities. Many of our clients are people with mental health disabilities caught in a repeating cycle of hospitalization, incarceration, and homelessness. The application of certain sentence enhancements perpetuates that cycle. We support SB 81 because it will reduce the application of sentence enhancements for offenses connected to a mental health condition. Additionally, we support SB 81 because enhancements prolong the incarceration of individuals unnecessarily, long after any concerns with public safety have been addressed. We are committed to reducing our reliance on the criminal legal system, and advocate for the re-investment of those resources into education, housing, employment, and health and supportive services for our communities.

While the application of an enhancement may appear straightforward, research reviewed last year by the Committee on the Revision of the Penal Code (CRPC) revealed inconsistency in their use. Data indicates that in about 80% of cases, individuals had their terms lengthened by sentence enhancements, in many cases with two, three, or more enhancements assigned. Thus, for committing the same crime, some individuals receive only the base sentence while others have five, ten or more years added to their time. Research examined by the CRPC revealed that sentence enhancements were applied disproportionately to women, racial and ethnic minorities, and those exhibiting symptoms of a mental health condition. Many states have reformed sentence enhancement processes and provided more guidance, for example, by limiting the use of enhancements to convictions that occurred within 5 years.

SB 81 establishes a presumption that judges would only apply sentence enhancements when there is clear and convincing evidence that not using the enhancement would endanger the public. By clarifying the parameters a judge must follow, SB 81 codifies a recommendation made by the CRPC to improve fairness in sentencing and help ensure that penalties more closely reflect the circumstances of the crime.

For these reasons, DRC supports this bill. Please contact me if you have any questions about our position or if I can provide any further information.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Harris". The signature is fluid and cursive, with a prominent "E" and "H".

Eric Harris
Director of Public Policy
Disability Rights California

cc: Honorable Members, Assembly Appropriations Committee
Honorable Nancy Skinner, California State Senate
Diego Lopez, Office of Senator Skinner