



AB 1310 (McKinnor): The Equal Chance Act FACT SHEET

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ISSUE

Sentence enhancements add extra years to someone's sentence in addition to the statutory ranges for criminal offenses. There are more than 100 sentencing enhancements on the books across California's penal code. These enhancements are costly, ineffective, and a relic of the failed tough on crime era.

Firearm enhancements are one of the most commonly used enhancements that add extra years to a sentence. The latest available data shows that 37,237 people in CDCR custody had some form of gun enhancement as part of their sentence. 89% of these people were people of color. There is no compelling evidence that enhancements improve public safety. In fact, the opposite may be true. While initial incarceration prevents crime through incapacitation, studies show that each additional sentence year causes a 4 to 7 percent increase in recidivism that eventually outweighs the incapacitation benefit.

Enhancements do not increase public safety and there is no data to support that enhancements deter crime. Research has consistently shown that people age out of crime, so by the time the state has sentenced someone to an extremely long sentence, they have reached an age where they no longer pose a threat to public safety.

SOLUTION

AB 1310 will ensure people receive equal treatment under the law by allowing past legislation to be applied retroactively. Passed in 2017, SB 620 (Bradford), gives judges the discretion to strike or dismiss firearm enhancements at sentencing, but this change in law was not made available to anyone currently incarcerated. Recent amendments to the re-sentencing process will increase efficiency by requiring CDCR to send lists of eligible people with the relevant enhancements to the courts before recalling defendants.

Judges will retain full discretion to either strike the enhancement, reduce it, or leave it in place. Great weight will be given to people with one or more mitigating factors, but prosecutors will have the opportunity to prove that striking the enhancement would endanger public safety. Therefore public safety will not be jeopardized and there will be significant state savings.

SUPPORT

Initiate Justice (Sponsor)

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