

LARRP 2020 California State Legislative Summary



December 14, 2020

In 2020, the LARRP Policy and Legal Committee reviewed over 50 state bills and prioritized 13 for immediate action, which included letters of opposition/support sent to bill authors and Los Angeles delegation members, phone calls, social media targeting and network action alerts.

The summary and analysis below reflect the relative success and ongoing progress of this legislation in focus, as well as potential missed opportunities and areas for further exploration in 2021 and beyond. Please see the summary chart at the end of this document for more details on the bills that are referenced in the analysis. To see the full legislative tracker, click [here](#) to view.

Priority Legislation:

Of the 13 pieces of legislation that LARRP prioritized for 2020, 7 passed into law. They were split across the following categories:

- **Civic Engagement/Reentry Representation:**
 - ACA-6 (McCarthy): Disqualification of electors
 - AB 3070 (Weber): Anti-Discrimination Jury Selection Act
- **Integrated Health:**
 - AB 2077 (Ting): HIV & hepatitis prevention
 - SB 855 (Weiner): Mental health coverage
- **Policing:**
 - AB 1196 (Gipson) - Peace officers - use of force with respect to carotid artery chokeholds/restraints
- **Supervision:**
 - AB 1950 (Kamlager): Probation - length of terms
- **Employment:**
 - AB 2147 (Reyes): Conservation camps/expungement

The following bills are **dead for the year**, across the following categories:

- **Employment** - ACR 125 (Jones-Sawyer): Bias and discrimination in hiring reduction in new technology
- **Integrated Health** - AB 362 (Eggman): Controlled substances - overdose prevention program
- **Supervision** - SB 378 (Wiener): Probation alternatives for drug offenses
- **Rights Restoration** - AB 2978 (Ting): Automatic retroactive expungement for certain qualified misdemeanors and felonies

The following were **vetoed** by Governor Newcome:

- **Rights Restoration** - AB 2342 (McCarthy) on reintegration credits during parole (similar to Prop 57) – [link to veto message](#)
- **Civic Engagement/Reentry Representation** - SB 369 (Hertzberg): California Reentry Commission – [link to veto message](#)

“Not Priority” Legislation:

LARRP did not rank the following as priority bills, but these topics are of interest to the reentry community and warrant consideration in the 2021 legislative year.

The following **passed** into law:

- **Policing** – AB 1185 (McCarty) on Sheriff oversight, specifically allowing for counties to establish sheriff oversight boards, to establish an office of the inspector general to assist the board of supervisors, and ability to issue subpoenas.

All of these are **dead for the year** in the legislative process:

- **Civic Engagement** - AB 2205 (Jones-Sawyer) on adding an impacted person to the BSCC
- **Economic Justice** - SB 144 (Mitchell) on criminal fees and administrative debt
- **Rights in Custody** - SB 555 (Mitchell) on services in jails & juvenile detention facilities
- **Rights in Custody, Employment** - SCR 69 (Bradford), The Dignity for Incarcerated Workers Act

Bill Summary Chart of 2020 Legislative Priorities:

Bill	Author	Topic	Bill Description/Summary	Status	Issue Area	Priority ?
AB 1196	Gipson	Peace officers: use of force	This bill would prohibit a law enforcement agency from authorizing the use of a carotid restraint or a choke hold, as defined.	09/30/20: Approved by the Governor. Chaptered by Secretary of State - Chapter 324, Statutes of 2020.	Policing	Y
AB 1950	Kamlager	Probation: length of terms	This bill provides a court may not impose a term of probation longer than two years for a felony conviction and one year for a misdemeanor conviction.	09/30/20: Approved by the Governor. Chaptered by Secretary of State - Chapter 328, Statutes of 2020.	Supervision	Y
AB 2077	Ting	HIV & Hepatitis Prevention	To stem the spread of HIV and viral hepatitis, AB 2077 will remove a sunset from an existing law allowing pharmacies to sell and adults to possess sterile syringes for personal use without a prescription.	09/29/20: Approved by Governor. Chaptered by Secretary of State - Chapter 274, Statutes of 2020.	Integrated Health	Y

AB 2147	Reyes	Conservation Camps - Expungement	Creates a process for people who served as firefighters while in prison to expunge their convictions and obtain jobs	09/11/20: Approved by Governor. Chaptered by Secretary of State - Chapter 60, Statutes of 2020.	Employment	Y
AB 2342	McCarthy	Parole: reintegration credits	This year will introduce a bill about Community Reintegration Credits, which will allow people on parole to earn credits, similar to Proposition 57. By incentivizing people on parole to continue their rehabilitation through education, self-help programs, volunteering, and staying disciplinary-free, we are promoting public safety through their success.	9/30/20: Vetoed by the Governor.	Rights Restoration	Y
AB 2978	Ting	Retroactive Automatic Expungement for Certain Qualified Misdemeanors and Felonies	This bill will allow individuals with an eligible conviction dating back to 1973 to have their record automatically cleared when a person has fully completed the terms of their sentence. This proposal builds upon AB 1076, which Ting authored and was signed into law by Gov. Gavin Newsom in 2019; automatic records clearance, however, applies only to new cases beginning next year and beyond. AB 2978 seeks retroactivity.	3/17/20 In committee: Hearing postponed by committee. Died in Assembly.	Rights Restoration	Y
AB 3070	Weber	Anti-Discrimination Jury Selection Act	This bill would prohibit a party from using a peremptory challenge to remove a prospective juror on the basis of the prospective juror's race, ethnicity, gender, gender identity, sexual orientation, national origin, or religious affiliation. The bill would allow a party to object to the use of a peremptory challenge to raise the issue of improper bias based on these criteria. This bill will create a specific process for addressing racial bias in jury selection.	09/30/20: Approved by the Governor. Chaptered by Secretary of State - Chapter 318, Statutes of 2020.	Civic Engagement/ Reentry Representation	Y
AB 362	Eggman	Controlled substances: overdose prevention program	This bill allows the Board of Supervisors of San Francisco the discretion to authorize overdose prevention programs where adults may use controlled substances under supervision of staff trained to prevent and treat overdose, prevent HIV and hepatitis infection, and facilitate entry into drug treatment and other services. This law would be repealed January 1, 2026.	07/29/20: Second hearing canceled at request of author. Died in Senate.	Integrated Health	Y

ACA-6	McCarthy	Elections: disqualification of electors	This measure would instead direct the Legislature to provide for the disqualification of electors who are serving a state or federal prison sentence for the conviction of a felony. This measure would also delete the requirement that the Legislature provide for the disqualification of electors while on parole for the conviction of a felony. The measure would provide for the restoration of voting rights upon completion of the prison term.	06/25/20 Chaptered by Secretary of State - Res. Chapter 24, Statutes of 2020.	Civic Engagement/ Reentry Representation (note: turned into ballot measure Prop 17)	Y
ACR 125	Jones-Sawyer	Bias and discrimination in hiring reduction through new technology	This measure would urge policy makers policymakers in both federal and state government to explore ways to promote the development and use of new technologies to reduce bias and discrimination in hiring and help reduce discrimination in employment in California, as provided.	2/12/20 Re-referred to Com. on JUD. Died in Senate.	Employment	Y
SB 369	Hertzberg	California Reentry Commission	This bill would create a California Reentry Commission (CRC) that would be charged with ensuring that people returning home from prisons and jails are able to successfully reintegrate back into the community and safely shelter in place.	09/30/20: Governor vetoed.	Civic Engagement/ Reentry Representation	Y
SB 378	Wiener	Probation Alternatives for Drug Offenses	This bill would delete various crimes relating to controlled substances, including, but not limited to, the crimes described above, from those prohibitions against granting probation or a suspended sentence.	07/27/20 Re-referred to Com. on RLS. pursuant to Assembly Rule 96. Died in Assembly.	Rights Restoration	Y
SB 855	Wiener	Mental Health Coverage	Requires that insurers cover medically necessary treatment for mental health and substance use disorders (MH/SUD)	09/25/20: Approved by Governor. Chaptered by Secretary of State. Chapter 151, Statutes of 2020.	Integrated Health	Y

AB 1185	McCarty	County board of supervisors: sheriff oversight.	Sheriff oversight, specifically allowing for counties to establish sheriff oversight boards, to establish an office of the inspector general to assist the board of supervisors, and ability to issue subpoenas.	09/30/20: Approved by Governor. Chaptered by Secretary of State - Chapter 342, Statutes of 2020.	Policing	N
SCR 69	Bradford	The Dignity For Incarcerated Workers Act	This measure would express the Legislature's support for fair and just wages for incarcerated persons working for the Prison Industry Authority, the Division of Juvenile Facilities, and the Department of Corrections and Rehabilitation. This resolution acknowledges that incarcerated workers are drastically underpaid for their labor.	2/20/20 Referred to Com. on PUB. S. Dead for the year.	Employment, Rights in Custody	N

AB 2205	Jones-Sawyer	Adding an Impacted Person to BSCC	This bill will add two additional members, a probation officer or deputy probation officer & a person living with a felony conviction, to the Board of State and Community Corrections.	3/16/20 In committee: Hearing postponed by committee. Died in Assembly.	Civic Engagement/ Reentry Representation	N
SB 144	Mitchell	Criminal Fees	This bill will end the assessment and collection of administrative fees imposed against people in the criminal justice system and expunge all previously assessed related debt.	07/27/20: August 3 hearing postponed by committee. Dead for the year.	Economic Justice	N
SB 555	Mitchell	Jails & juvenile facilities: telephone services: stores	This bill would require any contract to provide telephone services or other communication services to any person detained or sentenced to a jail or juvenile facility to be negotiated and awarded to an entity that meets the jail or juvenile facility's technical, functional, and security requirements for services, and that provides the lowest cost of service to any person who pays for the telephone service or communication service.	09/30/20. In Senate. Consideration of Governor's veto pending. Dead for the year.	Rights in Custody	N

Process

The LARRP Policy and Legal Committee seeks to be a resource to inform and mobilize the reentry community around critical reentry policy issues and leverage the expertise of practitioners and impacted people into the policy making process. The Committee develops and advocates for the passage and implementation of legislative and administrative policies that improve opportunities for formerly incarcerated or convicted people, their families and communities, and the community-based agencies that serve them. Priority bill selection is guided by 3 questions:

1. Will it have a direct impact on the lives of impacted people?
2. Does it address reentry systems or services?
3. Does it reduce racial discrimination in the criminal legal system?

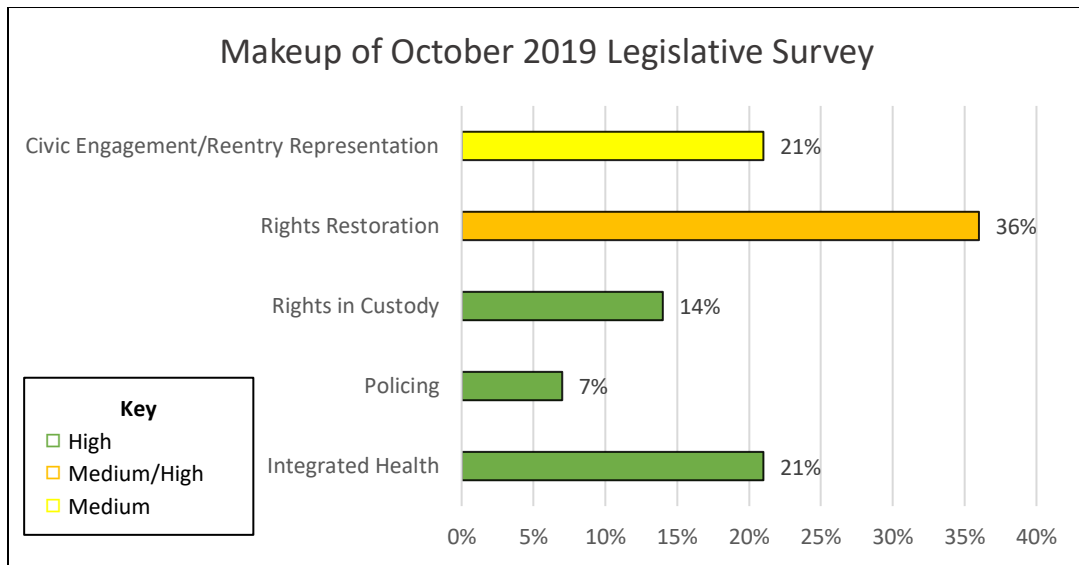
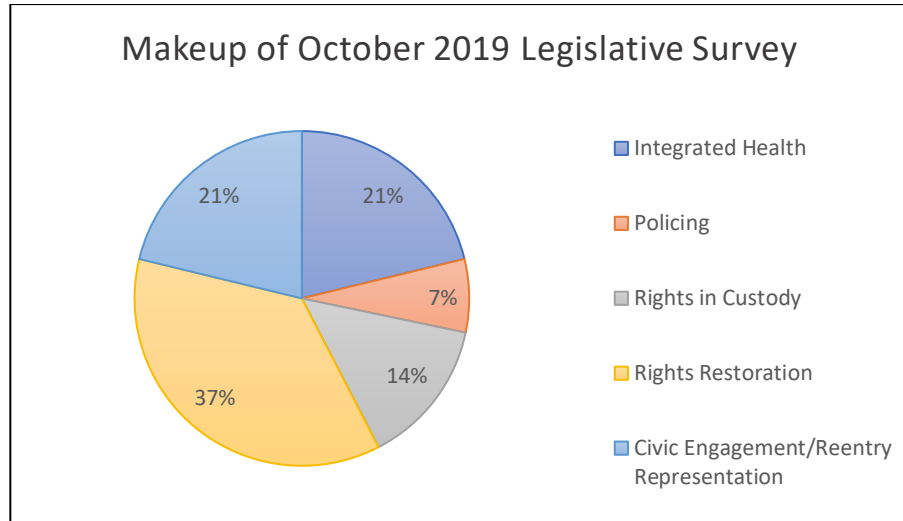
1. Steering Committee Survey

LARRP administered a survey to the Steering Committee in October 2019, which asked SC members to rank 14 potential bills by priority level: High, Medium, or Low. In their responses, SC members indicated the following desired priority areas of legislative focus for LARRP during the 2020 legislative session: Anti-Discrimination, Integrated Health, Policing, Reentry and Rights in Custody.

Overall, on average:

- Civic Engagement/Reentry Representation pieces of legislation were ranked as a “medium” priority, and legislation made up 21% of the total legislature in the survey
- Integrated Health was ranked as a “high” priority, and bills made up 21%

- Policing was ranked as a “high” priority, and made up 7%
- Rights Restoration was ranked as a “medium/high” priority, and made up 36%
- Rights in Custody were ranked as “high” priority, and made up 14% of the total bills on the survey



2. Post-Survey

The following pieces of legislation took different paths to become LARRP priorities:

- **SB 369 (Hertzberg):** California Reentry Commission was added after the survey was administered due to extended gut and amend process, and was ultimately vetoed by Governor Newsome
- **ACA-6 (McCarthy):** Disqualification of Electors turned into ballot measure Prop. 17 which passed on November 3rd, which will grant full civic participation to individuals who have served their CA state prison sentence

- **SB 378 (Wiener):** Probation Alternatives for Drug Offenses was introduced after the survey was administered, in July of 2020. Bill is dead for the year.