

AB 600

Equity in Resentencing

Assemblymember
Phil Ting
19TH DISTRICT



SUMMARY

"Second look" sentencing authorizes courts to revisit sentences of incarcerated people when recommended by certain law enforcement authorities. This bill will address remaining procedural and technical issues, expand judicial authority and provide clarity for courts when applying the law.

BACKGROUND

Nearly 100,000 Californians are currently incarcerated in our overcrowded state prisons. Over a quarter of those people are over the age of 50 and many are serving exceptionally long sentences imposed during the "Tough on Crime" era. Penal Code Section 1172.1 currently provides a unique and important opportunity to address the mass incarceration efforts of the past by granting three entities – District Attorneys, the Board of Parole Hearings, and the California Department of Corrections and Rehabilitation (CDCR) Secretary – the authority to refer people back to court for a "second look" at their sentences.

Researchers have found that criminal involvement lessens dramatically after an individual reaches 40 years of age (even more after age 50), and that lengthy sentences and high rates of incarceration have diminishing returns in reducing crime rates.

Over the past few years, the CDCR Secretary and District Attorneys have begun using their resentencing authority more frequently. However, this increase in referrals has exposed several procedural issues that resulted in the law not being applied as intended. AB 1540 (Ting) in 2021 addressed many of the procedural issues and resulted in the safe releases of many more incarcerated people in

the last year; however, there are still some implementation barriers identified and ways the state can improve the current process.

THIS BILL

AB 600 fills in the gaps to create equity and due process in resentencing by:

- Expanding judicial authority to recall sentences at any time versus 120 days;
- Providing judicial discretion to impose judgement on lesser related or lesser included offenses without requiring the District Attorney's approval;
- Clarifying that the factors and presumption guiding the judge's use of discretion apply uniformly to each step of the process in recall and resentencing;
- Expanding the list of factors for judges to consider when making determinations related to the "interest of justice" and "changed circumstances";
- Requiring judges to inform petitioners of their right to appeal a denial; and
- Ensuring the standard applied reflects the parole hearing standard—that the person must pose a *current* unreasonable risk to public safety.

SUPPORT

Prosecutors Alliance of California (Sponsor)
University of San Francisco School of Law
Racial Justice Clinic (Sponsor)

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