

Attorney's Office; Saving Innocence; Soroptimist International of North San Diego; The Light House Recovery Program, INC.; Treasures; Tulare County Child Abuse Prevention Council; Tulare County District Attorney's Office; Tulare County Supervisor Dennis Townsend; Tulare County Supervisor Larry Micari; Tule River Indian Tribe of California; Ventura County District Attorney; Veterans for Child Rescue; Visalia Police Department; Woman Ii Woman INC.; Women's Center -High Desert, INC.; Yolo County District Attorney; Individual

Opposition: California Attorneys for Criminal Justice; California Coalition for Women Prisoners; California Public Defenders Association; San Francisco Public Defender's Office; Sister Warriors Freedom Coalition

PURPOSE

The purpose of this bill is to designate human trafficking as a "serious felony," making it a strike for purposes of the Three Strikes Law.

Existing law states that a person who deprives or violates the personal liberty of another with the intent to obtain forced labor or services is guilty of human trafficking and shall be punished by imprisonment in the state prison for 5, 8, or 12 years and a fine of not more than \$500,000. (Pen. Code, § 236.1, subd. (a).)

Existing law states that a person who deprives or violates the personal liberty of another with the intent to commit specified crimes including pimping, pandering, or child pornography, is guilty of human trafficking and shall be punished by imprisonment in the state prison for 8, 14, or 20 years and a fine of not more than \$500,000. (Pen. Code, § 236.1, subd. (b).)

Existing law specifies that a person who causes, induces, or persuades, or attempts to cause, induce, or persuade, a person who is a minor at the time of commission of the offense to engage in a commercial sex act, with the intent to commit specified crimes including pimping, pandering, or child pornography, is guilty of human trafficking. A violation is punishable by imprisonment in the state prison as follows:

- Five, 8, or 12 years and a fine of not more than \$500,000; or
- Fifteen years to life and a fine of not more than \$500,000 when the offense involves force, fear, fraud, deceit, coercion, violence, duress, menace, or threat of unlawful injury to the victim or to another person. (Pen. Code, § 236.1, subd. (c).)

Existing law includes the following offenses within the definition of "violent felony":

- Murder or voluntary manslaughter;
- Mayhem;
- Rape or spousal rape accomplished by means of force or threats of retaliation;
- Sodomy by force or fear of immediate bodily injury on the victim or another person;

- Oral copulation by force or fear of immediate bodily injury on the victim or another person;
- Lewd acts on a child under the age of 14 years, as defined;
- Any felony punishable by death or imprisonment in the state prison for life;
- Any felony in which the defendant inflicts great bodily injury on any person other than an accomplice, or any felony in which the defendant has used a firearm, as specified;
- Any robbery;
- Arson of a structure, forest land, or property that causes great bodily injury;
- Arson that causes an inhabited structure or property to burn;
- Sexual penetration accomplished against the victim's will by means of force, menace or fear of immediate bodily injury on the victim or another person;
- Attempted murder;
- Explosion or attempted explosion of a destructive device with the intent to commit murder;
- Explosion or ignition of any destructive device or any explosive which causes bodily injury to any person;
- Explosion of a destructive device which causes death or great bodily injury;
- Kidnapping;
- Assault with intent to commit mayhem, rape, sodomy or oral copulation;
- Continuous sexual abuse of a child;
- Carjacking, as defined;
- Rape or penetration of genital or anal openings by a foreign object;
- Felony extortion;
- Threats to victims or witnesses, as specified;
- First degree burglary, as defined, where it is proved that another person other than an accomplice, was present in the residence during the burglary;
- Use of a firearm during the commission of specified crimes; and,
- Possession, development, production, and transfers of weapons of mass destruction. (Pen. Code, § 667.5, subd. (c).)

Existing law imposes a three-year sentence enhancement for each prior separate prison term served by the defendant if the prior offense was a violent felony and the new offense is a violent felony. (Pen. Code § 667.5, subd. (a).)

Existing law includes the following offenses within the definition of “serious felonies”:

- Murder or voluntary manslaughter;
- Mayhem;
- Rape;
- Sodomy by force, violence, duress, menace, or threat or fear of bodily injury;
- Oral copulation by force, violence, duress, menace or threat or fear of bodily injury;
- Lewd act with child under fourteen years of age;
- Any felony punishable by death or life imprisonment;
- Any felony in which defendant personally inflicts great bodily injury on any person other than an accomplice or personally uses a firearm;
- Attempted murder;
- Assault with intent to commit rape or robbery;
- Assault with a deadly weapon or instrument on a peace officer;
- Assault by a life prisoner on a non-inmate;
- Assault with a deadly weapon by an inmate;
- Arson;
- Exploding a destructive device or any explosive with intent to injure;
- Exploding a destructive device or any explosive causing bodily injury, great bodily injury, or mayhem;
- Exploding a destructive device or any explosive with intent to murder;
- Burglary of an inhabited dwelling;
- Robbery or bank robbery;

- Kidnapping;
- Holding a hostage by an inmate;
- Attempt to commit a crime punishable by life imprisonment or death;
- Any felony where defendant personally used a dangerous or deadly weapon;
- Sale or furnishing heroin, cocaine, PCP, or methamphetamine to a minor;
- Forcible penetration with a foreign object;
- Grand theft involving a firearm;
- Any gang-related felony;
- Assault with the intent to commit mayhem or specified sex offenses;
- Maliciously throwing acid or flammable substances;
- Witness intimidation;
- Assault with a deadly weapon or firearm or assault on a peace officer or firefighter;
- Assault with a deadly weapon on a public transit employee;
- Criminal threats;
- Discharge of a firearm at an inhabited dwelling, vehicle, or aircraft;
- Commission of rape or sexual penetration in concert;
- Continuous sexual abuse of a child;
- Shooting from a vehicle;
- Any attempt to commit a “serious” felony other than assault;
- Any violation of the 10 years, 20 years, 25 years to life gun law;
- Possession or use of any weapon of mass destruction; and,
- Any conspiracy to commit a “serious” felony. (Pen. Code, §§ 1192.7, subd. (c).)

Existing law additionally defines the following as a “serious felony” when the offenses involve the personal infliction of great bodily injury on any person other than an accomplice, or the personal use of a dangerous or deadly weapon:

- Gross vehicular manslaughter while intoxicated and vehicular manslaughter while intoxicated;
- Driving under the influence and causing injury;
- Evading a pursuing peace officer causing serious bodily injury or death; or
- Reckless driving causing great bodily injury when the person previously has been convicted of specified driving offenses. (Pen. Code, § 1192.8.)

This bill would add human trafficking offenses to the list of serious felonies.

Existing law prohibits plea bargaining in any case in which the indictment or information charges a “serious” felony unless there is insufficient evidence to prove the charge, the testimony of a material witness cannot be obtained, or a reduction or dismissal would not result in a substantial change in sentence. (Pen. Code, § 1192.7, subd. (a)(2).)

Existing law provides that any person convicted of a “serious” felony who has previously been convicted of a “serious” felony receives, in addition to the sentence imposed by the court, an additional and consecutive five-year enhancement for each such prior conviction. (Pen. Code, § 667, subd. (a)(1).)

Existing law defines a "strike" prior as any “serious felony” listed in Penal Code sections 1192.7, subdivision (c) and 1192.8, and any “violent felony” listed in Penal Code section 667.5(c). (Pen. Code, §§ 667, subd. (d)(1) and 1170.12, subd. (b)(1).)

Existing law provides that where a defendant is convicted of any felony with a prior conviction for a single serious or violent felony, the sentence imposed must be twice the term otherwise provided as punishment. (Pen. Code §§ 667, subd. (d)(1) and 1170.12, subd. (c)(1).)

Existing law provides that a defendant, who is convicted of any current felony, with prior convictions of two or more "violent" or "serious" felonies, must receive a life sentence with a minimum term of 25 years. (Pen. Code § 667, subs. (a) and (d)(2)(i); Pen. Code § 1170.12, subd. (c)(2)(A).)

Existing law requires a defendant affected by a prior strike to be committed to state prison, and disallows diversion or probation. (Pen. Code, §§ 667, subd. (c) and 1170.12, subd. (a).)

Existing law requires consecutive rather than concurrent sentencing for multiple offenses committed by a defendant affected by a prior strike, unless the current felony convictions arise out of the same set of operative facts. (Pen. Code, §§ 667, subd. (c)(6) and 1170.12, subd. (a)(6).)

Existing law specifies all references to existing statutes in specified portions of the Three Strikes Law are to statutes as they existed on November 7, 2012. (Pen. Code § 667, subd. (h).)

This bill amends the above date to January 1, 2024 thereby expanding the offenses that count as strikes to include human trafficking.

COMMENTS

1. Need for This Bill

According to the author of this bill:

Human trafficking is the fastest growing criminal enterprise in the world¹. Traffickers have learned that it is a low-cost crime that yields high profits with minimal risk to the trafficker, especially since human beings are a reusable commodity². The trafficking of children is particularly rampant in California, with traffickers forcing kids as young as 11-12 years-old³ to have sex with upwards of 15 men a day or more. The average age a child is forced into the sex trade is between 11-14 years-old⁴. Labor trafficking is no less insidious, as victims of labor trafficking are forced to work long hours in unsanitary and inhuman working conditions for little or no pay⁵. Labor traffickers will often tell their victims they will not be believed if they try to report the crime and the authorities will deport them.⁶

Some of the most vulnerable trafficking victims include, Native Americans, LGBTQ, undocumented migrants, homeless youth and low-income individuals⁷. Minorities make up a high percentage of trafficking victims across the United States⁸. One Department of Justice study that examined the race of sex trafficking victims found 40.4% of victims were black and 23.9% were Hispanic. The same study for labor trafficking victims found that 55.7% of victims were Hispanic, 9.8% Black, and 14.8% were Asian⁹.

The fastest growing criminal industry in the world is the buying and selling of human beings and California is one of the largest hubs for human trafficking. SB 14 will help strengthen protections for the millions of victims of sex and labor trafficking and serve as a deterrent for those that wish to perpetuate this horrendous crime.

2. Background: Human Trafficking

According to the California Department of Justice,

Human trafficking is among the world's fastest growing criminal enterprises and is estimated to be a \$150 billion-a-year global industry. It is a form of modern day slavery that profits from the exploitation of our most vulnerable populations. One common misperception is that human trafficking requires movement across

¹ <https://www.justice.gov/usao-ri/human-trafficking>

² https://www.dhs.gov/blue-campaign/course_choices_p41

³ <https://rems.ed.gov/docs/Human%20Trafficking%20101%20for%20School%20Administrators%20and%20Staff.p>

⁴ <https://rems.ed.gov/docs/Human%20Trafficking%20101%20for%20School%20Administrators%20and%20Staff.pf>

⁵ <https://www.ojp.gov/pdffiles1/nij/grants/302157.pdf>

⁶ <https://www.justice.gov/usao-cdca/human-trafficking#LAB>

⁷ <https://www.justice.gov/humantrafficking/what-is-human-trafficking>

⁸ <https://www.acf.hhs.gov/archive/blog/2015/04/bridging-minority-health-and-human-trafficking>

⁹ <https://www.acf.hhs.gov/archive/blog/2015/04/bridging-minority-health-and-human-trafficking>

borders. In reality, it involves controlling a person or group through force, fraud, or coercion to exploit the victims for forced labor, sexual exploitation, or both. This can occur entirely within a single country or it can cross borders. Human trafficking strips victims of their freedom and violates our nation's promise that every person in the United States is guaranteed basic human rights. It is also a crime. Attorney General's Office is focused on combating the pervasive issue of human trafficking in California and has made it one of his top priorities.

The International Labor Organization estimates that there are more than 24.9 million human trafficking victims worldwide at any time. This includes 16 million victims of labor exploitation, 4.8 million victims of sexual exploitation, and 4.1 million victims of state imposed forced labor. The victims of human trafficking are often young girls and women. Young girls and women are 57.6% of forced labor victims and 99.4% of sex trafficking victims.

(California Department of Justice, *Human Trafficking* < <https://oag.ca.gov/human-trafficking> > [as of Apr. 12, 2023].)

Data on human trafficking and how it is handled is limited. According to the Public Policy Institute of California (PPIC):

Understanding the extent of human trafficking is challenging for several reasons. Trafficking typically happens through clandestine networks. Individuals, families, and businesses who enslave others often seem legitimate. People who experience trafficking are often among the most socially and economically vulnerable. Even if they have opportunities to report their situation, they may not for fear of retaliation.

The United States operates a national hotline through which people can report suspected trafficking or seek help. The hotline publishes data on human trafficking cases and trafficked people that have been identified from hotline reports.

Hotline data spanning 2015 through 2021 indicate that the reported number of people experiencing trafficking nationwide rose from 12,000 in 2015 to more than 22,200 in 2019 and then fell to 16,700 in 2021. In California, these numbers peaked a year earlier and more modestly, so that California now accounts for smaller shares of trafficking cases and trafficked people. In 2015, 18% of trafficking cases and 15% of trafficked people were in California. By 2021, 13% of both cases and people were in California.

(PPIC Blog Post, Human Trafficking in California (Feb. 2023) <https://www.ppic.org/blog/human-trafficking-in-california/> [as of Apr. 12, 2023].)

3. Existing Human Trafficking Penalties

California's human trafficking law was enacted by AB 22 (Lieber) Chapter 240, Statutes of 2005. AB 22 provided that the essence of human trafficking is the deprivation of the victim's liberty in order to place the person in sexual commerce or obtain labor.

In 2012, California voters enacted Proposition 35 which modified many provisions of California's already tough human trafficking laws. Specifically, Proposition 35 expanded the definition of human trafficking and increased criminal penalties and fines for human trafficking offenses. The proposition specified that the fines collected are to be used for victim services and law enforcement. In criminal trials, the proposition makes evidence of sexual conduct by a victim of human trafficking inadmissible for the purposes of attacking the victim's credibility or character in court. The proposition also lowered the evidentiary requirements for showing of force in cases of minors. (See Legislative Analyst's Office (LAO), *Proposition 35: Human Trafficking. Penalties. Sex Offender Registration. Initiative Statute*, (July 18, 2012) https://lao.ca.gov/ballot/2012/35_11_2012.aspx [as of Apr. 12, 2023].)

The current penalty for human trafficking for the purpose of obtaining forced labor or services is imprisonment in state prison for up to 12 years. If the offense involves human trafficking for the purpose of specified sexual conduct, obscene matter or extortion, the punishment proscribed is up to 20 years imprisonment in state prison. If the offense involves causing a minor to engage in a commercial sex act, the penalty imposed may be 15-years to life. (Pen. Code, § 236.1.) The court may also impose up to a \$1.5 million fine on a person convicted of human trafficking. (Pen. Code §§ 236.1 and 236.4.) A person convicted of human trafficking for sexual conduct is also required to register as a sex offender. (Pen. Code, § 290, subd. (c).) Any property of money used to facilitate human trafficking is subject to seizure. (Pen. Code, § 236.8.)

If great bodily injury is inflicted on the victim to commit the human trafficking crime, an enhancement adding 5, 7, or 10 years in state prison applies. (Pen. Code, § 236.4, subd. (b).)

This bill adds human trafficking to the list of serious felonies and makes it a strike for Three Strikes sentencing. While the crime of human trafficking is not listed as a serious felony, the act of human trafficking could include crimes that are already designated as a violent or serious felony such as kidnapping, threatening a victim or witness, personal use of a dangerous or deadly weapon, among others. Additionally, any felony punishable by life in prison is already a serious felony (see subdivision (c)(2) of Penal Code section 1192.7) which applies to human trafficking of minor victims for commercial sex acts when the crime involves force, fear, fraud, deceit, coercion, violence, duress, menace, or threat of unlawful injury to the victim or to another person. (Pen. Code, § 236.1, subd. (c)(2).)

4. Three Strikes Implications

In 1994, California voters passed Proposition 184, known as the "Three Strikes and You're Out" law that defined qualifying "strikes" as those felonies listed as "serious" or "violent" on June 30, 1993. That same year, the California Legislature passed similar legislation that was signed into law. (AB 971 (Jones), Chapter 12, Statutes of 1994.) Collectively, Proposition 184 and AB 971 became known as California's Three Strikes law which imposes longer prison sentences for certain repeat offenders. Proposition 21 of the March 2000 primary election added to the lists of serious and violent felonies and defined qualifying prior strikes as felony listed as serious or violent felonies as of March 8, 2000 – the date that the Proposition 21 took effect.

The Three Strikes law requires a person who is convicted of a felony and who previously has been convicted of one or more violent or serious felonies, known as strikes, to be subject to enhanced penalties. Specifically, if the person has one prior strike, the sentence on any new felony conviction must be double what is specified by statute. If the person has two prior strikes,

the sentence on any new felony conviction was 25 years to life, although this provision was amended by Proposition 36, approved by voters in 2012, to require that the third strike must be a serious or violent felony in order to impose the life term.

The Three Strikes law contains a statutory “lock-in” date of November 7, 2012 which was the last date the law was amended. [Proposition 36, approved by California voters on November 7, 2012, which required the third strike to be either a violent or serious felony.] The effect of the lock-in date is to provide that the listed offenses are “strikes” as of that date. As long as an offense is deemed a strike as of the listed date, the Three Strikes sentencing provisions apply to enhance a person’s sentence even if the person was convicted of the offense prior to it being deemed a strike. The specified date also acts to disallow adding a new strike unless the date is extended. This bill amends the lock-in date to January 1, 2024 effectively adding to what constitutes a strike.

Proponents of the Three Strikes law argued that the law would “reduce crime by incapacitating and deterring people who committed repeat offenses by dramatically increasing punishment for people previously convicted of a “serious” or “violent” offense.” (Proposition 184, Voter Information Guide, 1994 General Election.) However, research shows that a decline in crime rates already began prior to the passage of the law. According to a 2005 report by the Legislative Analyst’s Office:

The overall crime rate in California, as measured by the Department of Justice’s California Crime Index, began declining before the passage of the Three Strikes law. In fact, the overall crime rate declined by 10 percent between 1991 and 1994. The crime rate continued to decline after Three Strikes, falling by 43 percent statewide between 1994 and 1999, though it has risen by about 11 percent since 1999. Similarly, the violent crime rate declined by 8 percent between 1991 and 1994 and then fell an additional 43 percent between 1994 and 2003. It is important to note that these reductions appear to be part of a national trend of falling crime rates. National crime rates—as reported by the Federal Bureau of Investigation’s Uniform Crime Report—declined 31 percent between 1991 and 2003, with violent crime declining 37 percent over that period. Researchers have identified a variety of factors that likely contributed to these reductions in national crime rates during much of the 1990s including a strong economy, more effective law enforcement practices, demographic changes, and a decline in handgun use.

(LAO, *A Primer: Three Strikes - The Impact After More Than a Decade* (Oct. 2005) <https://www.lao.ca.gov/2005/3_strikes/3_strikes_102005.htm> [as of Apr. 12, 2023].)

Research also shows that the law disproportionately impacts people of color. According to the Committee on the Revision of the Penal Code’s 2021 annual report:

More than 33,000 people in prison are serving a sentence lengthened by the Three Strikes law — including more than 7,400 people whose current conviction is neither serious nor violent. The population sentenced under the Three Strikes law is a third of the total prison population.

80% of people sentenced under the Three Strikes law are people of color. As with the entire prison population, the racial disparities are even more prevalent for young people sentenced under the law: 90% of those who were 25 or younger at the time

of the offense and serving a sentence under the Three Strikes law are people of color.

People of color, particularly Black people, are arrested and prosecuted at disproportionate rates, and the Three Strikes law perpetuates these disparities by subjecting people to harsher penalties once they become justice-involved. While Black people account for less than 30% of the entire prison population, they account for 45% of people serving a third strike sentence.

(*Annual Report and Recommendations 2021*, Committee on Revision of the Penal Code, pp. 43-46, fn. omitted.) Based on the committee's findings, the committee recommended eliminating or substantially limiting the use of the Three Strikes law. (*Id.* at p. 47.)

This bill expands Three Strikes by adding human trafficking to the list of serious felonies.

5. Court Ordered California to Maintain a Durable Solution to Prison Overcrowding

In January 2010, a three-judge panel issued a ruling ordering California to reduce its prison population to 137.5% of design capacity because overcrowding was the primary reason that CDCR was unable to provide inmates with constitutionally adequate healthcare. (*Coleman/Plata vs. Schwarzenegger* (2010) No. Civ S-90-0520 LKK JFM P/NO. C01-1351 THE.) The United State Supreme Court upheld the decision, declaring that “without a reduction in overcrowding, there will be no efficacious remedy for the unconstitutional care of the sick and mentally ill” inmates in California’s prisons. (*Brown v. Plata* (2011) 131 S.Ct. 1910, 1939; 179 L.Ed.2d 969, 999.)

After continued litigation, on February 10, 2014, the federal court ordered California to reduce its in-state adult institution population to 137.5% of design capacity by February 28, 2016, as follows: 143% of design bed capacity by June 30, 2014; 141.5% of design bed capacity by February 28, 2015; and, 137.5% of design bed capacity by February 28, 2016.

The court also ordered California to implement the following population reduction measures in its prisons:

- Increase prospective credit earnings for non-violent second-strike inmates as well as minimum custody inmates.
- Allow non-violent second-strike inmates who have reached 50 percent of their total sentence to be referred to the Board of Parole Hearings (BPH) for parole consideration.
- Release inmates who have been granted parole by BPH but have future parole dates.
- Expand the California Department of Corrections and Rehabilitation’s (CDCR) medical parole program.
- Allow inmates age 60 and over who have served at least 25 years of incarceration to be considered for parole.
- Increase its use of reentry services and alternative custody programs.

(Opinion Re: Order Granting in Part and Denying in Part Defendants’ Request For Extension of December 31, 2013 Deadline, NO. 2:90-cv-0520 LKK DAD (PC), 3-Judge Court, *Coleman v. Brown, Plata v. Brown* (2-10-14).) Following the implementation of these measures along with the passage of Proposition 47 (approved by California voters in November 2014), California met

the federal court's population cap in December 2015. (Defendants' December 2015 Status Report in Response to February 10, 2014 Order, 2:90-cv-00520 KJM DAD PC, 3-Judge Court, *Coleman v. Brown, Plata v. Brown.*)

CDCR's March 2023 report on the prison population notes that as of March 8, 2023, the State's adult prison population is 90,934, or 110.9 percent of design capacity (Three-Judge Court Quarterly Update, CDCR, (March 15, 2023) <https://www.cdcr.ca.gov/3-judge-court-update/> [as of Apr. 17, 2023].)

While CDCR is currently in compliance with the three-judge panel's order on the prison population, the state needs to maintain a "durable solution" to prison overcrowding "consistently demanded" by the court. (Opinion Re: Order Granting in Part and Denying in Part Defendants' Request For Extension of December 31, 2013 Deadline, NO. 2:90-cv-0520 LKK DAD (PC), 3-Judge Court, *Coleman v. Brown, Plata v. Brown* (2-10-14).)

Adding new crimes that qualify as strikes will result in longer terms of incarceration thereby reversing the progress made in reducing prison overcrowding.

6. Potential Amendment to be Taken in Committee

While data is hard to obtain in this arena, statistics tend to show that the average age of entry for a person into sex trafficking is 14 and 15. Considering that this bill expands Three Strikes but also considering that there is a differentiation of vulnerability between minors and adults, should this bill be narrowed to apply to commercial sex trafficking of minors?

7. Argument in Support

According to 3Strands Global Foundation, the sponsor of this bill:

This important bill will include human trafficking in the lists of crimes that are defined as serious and violent under California law, making the crime a strike under the Three Strikes law. It will also help strengthen protections for the millions of victims of sex and labor trafficking.

California consistently ranks number one in the nation in the number of human trafficking cases reported to the National Human Trafficking Hotline. The California Attorney General notes that California is one of the largest sites for human trafficking in the United States, recognizes the serious nature of this crime. Human trafficking is among the world's fastest growing criminal enterprises and is estimated to be a \$150 billion-a-year global industry. It is a dehumanizing crime that profits from the exploitation of our most vulnerable populations.

8. Argument in Opposition

According to Sister Warriors Freedom Coalition:

The penalties for human trafficking are already harsh, and there is no evidence that increasing criminal penalties will prevent or reduce human trafficking. The penalties for human trafficking are already significant, i.e. from 5 years in state prison and up to 15 years to life in state prison (depending on the age of the

victim, the purpose for the trafficking, and manner in which the trafficking was carried out– i.e. force, duress, etc.) Further, many of the underlying offenses listed in P.C. 236.1 also require sex registration pursuant to P.C. section 290. Moreover, there is no evidence that long prison sentences deter or prevent crime. If anything, low-level individuals involved in human trafficking will be prosecuted under this legislation, many of them will be prosecuted for conduct done under duress or other pressures, and they will be easily and swiftly replaced.

SB 14 legitimizes “Three Strikes” which has proven to be ineffective at serving public safety and has contributed to the mass incarceration of Black Californians. California is one of 24 states, along with the federal government, that enacted a version of Three-Strikes sentencing in the 1990s. However, California’s law contained some of the most severe sentence enhancements, applied to an especially broad group of felony offenses, and has been used more extensively in sentencing in criminal cases than in any other state. California’s law was also unique in mandating a doubled-sentence enhancement for any felony (for people with at least one prior serious or violent felony) regardless of whether or not the new felony was categorized as serious or violent. Nearly one-in-three (29%) of people serving doubled-sentence enhancements in January 2022 (about 8,100 individuals) had a strike enhancement for a non-serious, non-violent offense.

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