

Criminal Law & Reform

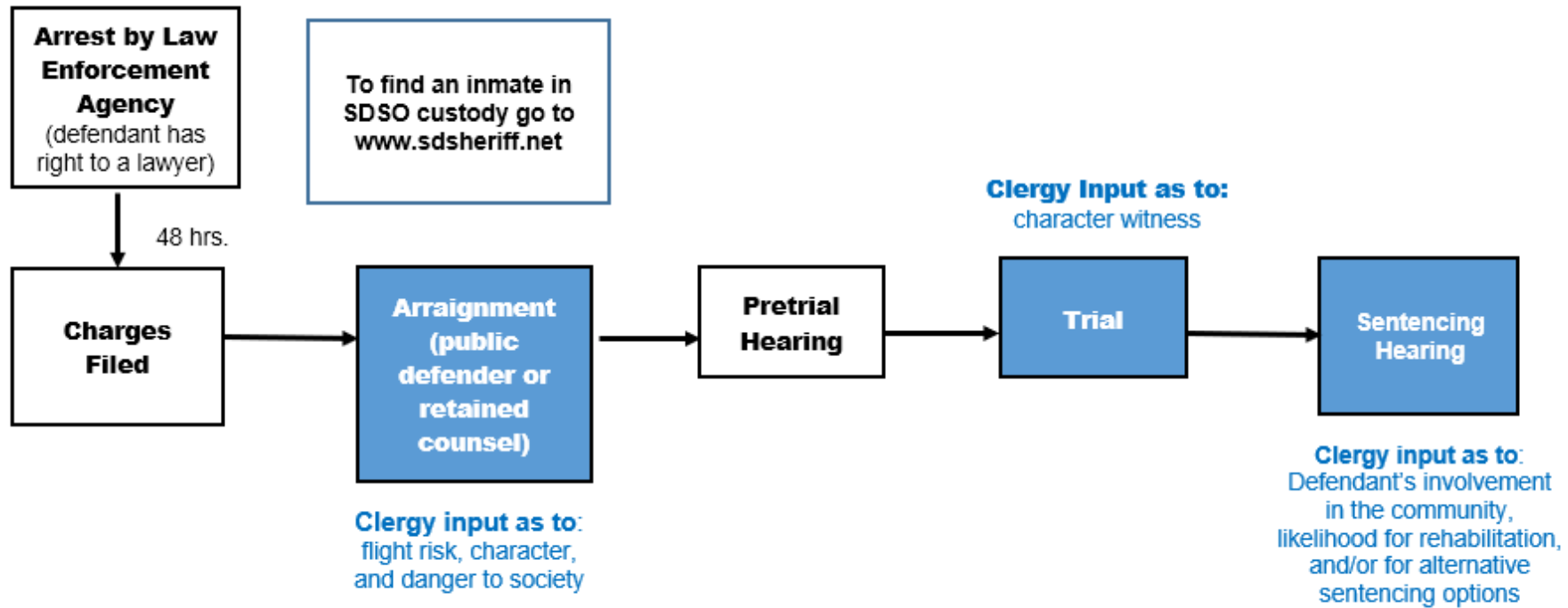
HONORABLE
RODERICK SHELTON

HONORABLE SELENA
EPLEY

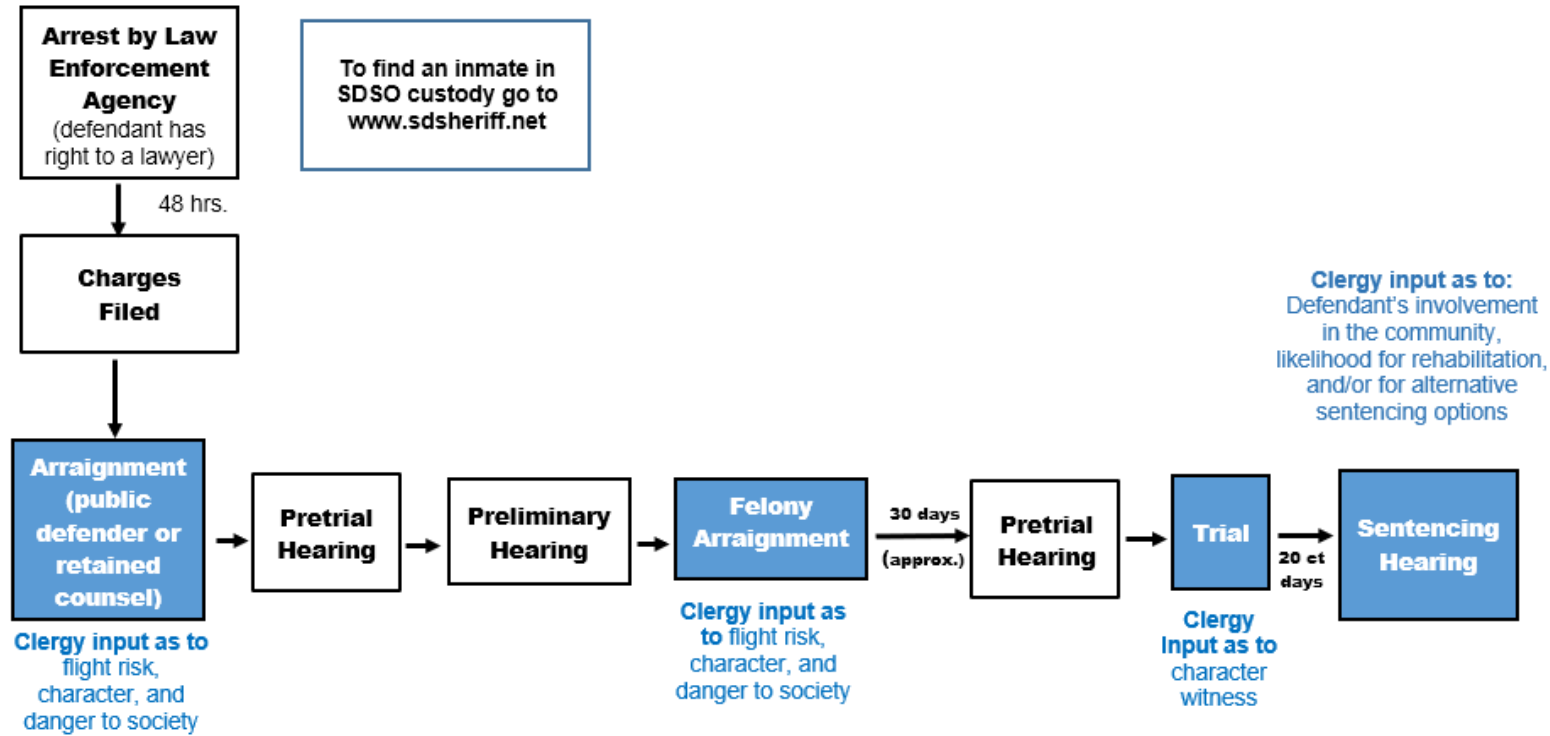
May 19, 2022



Introduction



Misdemeanor Process



Felony Process



Setting the Stage

LEGISLATION & INITIATIVES
STARTING IN 2011

REALIGNMENT 2011

Probation

1170(h) – Local Prison and
Mandatory Supervision

Post Release Community
Supervision

Parole Supervision

Evidence Based
Practices:
Penal Code §§ 17.5,
1229 and 3455 (2011)

- “Community-based punishment”
 - Flash Incarceration
 - Intensive community supervision
 - Home detention
 - Community service
 - Restorative justice
 - Work Furlough
 - Work Release
 - Day reporting
 - Treatment Programs
 - Drug Testing

Proposition 36: Three Strikes Reform

2012

Proposition 47: Criminal Sentences and Misdemeanor Penalties

2015

- Reduced simple possession of controlled substances to misdemeanors
- Reduced many thefts to misdemeanors
- Required resentencings

Prop 64: Adult Use of Marijuana 2016



AB 1950: PROBATION LENGTH (2020)



Criminal Fees

PEOPLE V. DUENAS

AB 169

AB 177



Court Initiated Misdemeanor Diversion – AB 3234

Any “discrimination undermines public confidence in the fairness of the state’s system of justice and deprives Californians of equal justice under law.”

“We cannot simply accept the stark reality that race pervades our system of justice. Rather, we must acknowledge and seek to remedy that reality and create a fair system of justice that upholds our democratic ideals.”

California Racial Justice Act of 2020 (AB 2542)

California Racial
Justice Act of
2020:
AB 2542

Goal: Eliminate racial bias from California's criminal justice system and provide remedies that will eliminate discriminatory practices.

Seeks to ensure that individuals have access to all relevant evidence regarding potential discrimination related to convictions or sentences, including statistical data.

Juries: Peremptory Challenges AB 3070

EFFECTIVE JANUARY
1, 2021

OPERATIVE FOR
CRIMINAL JURY
TRIALS WHERE
SELECTION BEGINS
1/1/22

OPERATIVE FOR ALL
JURY TRIALS ON
1/1/26

AMENDS CCP 231.7

AB 333 - Step Forward Act of 2021

GANG ENHANCEMENT MODIFICATION

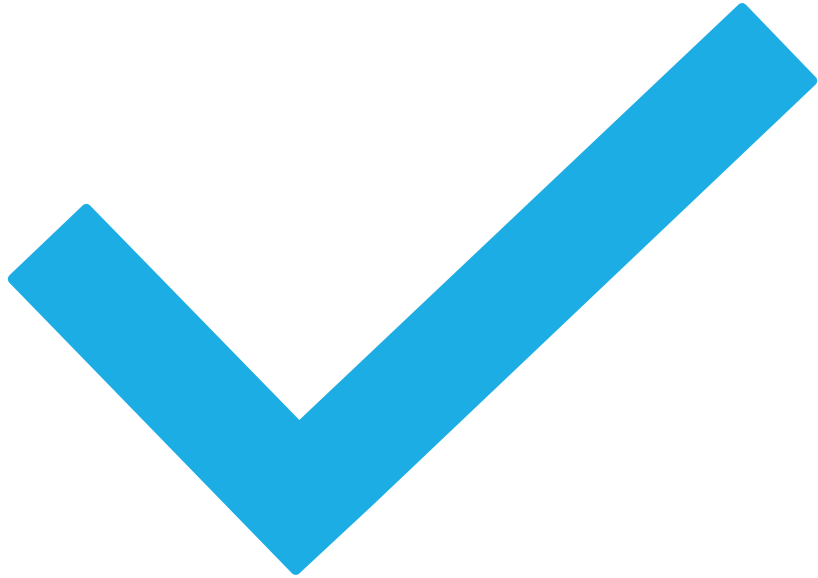
Sentencing Laws: Increasing Judicial Discretion

- Age
- Victimization
- Childhood trauma/neglect
- Mental Health
- Discriminatory racial impact
- Number of enhancements
- Maximum sentences
- Age of the enhancements
- Status of firearm

IN RE HUMPHREY

AB 1228

INDIVIDUALIZED BAIL DETERMINATIONS



POST CONVICTION RESENTENCING

Questions?