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California State Senate

SENATOR
SCOTT WILK

SENATE REPUBLICAN LEADER
TWENTY-FIRST SENATE DISTRICT

COMMITTEES
GOVERNMENTAL
ORGANIZATION
TRANSPORTATION



September 16, 2021

The Honorable Gavin Newsom
Governor, State of California
State Capitol, First Floor
Sacramento, CA 95814

RE: Recommended Veto of AB 124 (Kamlager)

Dear Governor Newsom:

I respectfully write to request your veto of Assembly Bill 124, which, among other things, creates a presumption that criminal defendants who meet specified criteria at the time of the offense must receive a reduced criminal sentence and expands existing affirmative defense provisions.

This bill sets the lower term, instead of the middle term, of a sentencing triad as the default in what is likely to be a large number of cases. It allows any defendant under age twenty-six and those who simply claim they experienced some level of trauma during their life to receive a reduced penalty.

Sentencing and the factors in aggravation and mitigation are decisions that should be left to a judge and should reflect the totality of the circumstance including the defendant's actual actions during the offense. Removing judicial discretion by mandating a lower sentence based on factors unrelated to the crime is not acceptable. This may have the effect of eliminating aggravated sentences, even in particularly horrific cases. While we empathize with individuals, this bill goes well beyond considering the defendant's hardships and background as mitigating evidence at sentencing -- it is a license to commit serious crimes without accountability.

In addition, expanding the human trafficking and sexual violence affirmative defense to include serious offenses is troubling as this would now apply to some arson, rape, residential burglary, and many other disconcerting crimes.

For these reasons, I respectfully request your veto. If you have any questions about my request, please call my office at 916-651-4021 or email me at Senator.Wilk@senate.ca.gov.

Sincerely,

A handwritten signature in black ink that reads "Scott Wilk".

Scott Wilk
Senate Republican Leader