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California State Senate

SENATOR

SCOTT WILK

SENATE REPUBLICAN LEADER

TWENTY-FIRST SENATE DISTRICT

COMMITTEES
GOVERNMENTAL
ORGANIZATION
TRANSPORTATION



September 15, 2021

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

RE: Recommended Veto of SB 81 (Skinner)

Dear Governor Newsom:

I respectfully write to request your veto of Senate Bill 81, which requires a court to dismiss a sentence enhancement when not otherwise prohibited by an initiative.

The author and sponsor claim that SB 81 gives courts guidance in exercising their discretion when imposing enhancements. However, the language tells a different story. Not only does the bill explicitly prohibit the court from imposing multiple enhancements or those that will result in a sentence of more than 20 years, but it also severely limits the courts discretion regarding any other sentence enhancement by creating what is essentially a presumption favoring dismissal.

Outside of a few exceptions, under SB 81, judges would be directed to dismiss virtually all enhancements. This means that three-strikes, gang enhancements, and many others would essentially be presumptively dismissed without a finding of "clear and convincing evidence" that dismissal jeopardizes public safety.

The current language basically strips away any real judicial discretion to consider a broad number of factors during sentencing. This bill is oddly worded and creates an unreasonably high bar as it is difficult to demonstrate in many cases that failure to impose a longer sentence for particularly egregious behavior would directly cause future physical harm or danger.

Finally, it is unclear how language establishing a de facto presumption for dismissal maintains judicial discretion to impose appropriate and just sentences in extreme and troubling cases.

Sincerely,

A handwritten signature in black ink that reads "Scott Wilk". The signature is written in a cursive, flowing style.

Scott Wilk
Senate Republican Leader