



CALIFORNIA
DISTRICT
ATTORNEYS
ASSOCIATION

August 26, 2024

The Honorable Nancy Skinner
California State Senate
1021 O Street, Room 8630
Sacramento, CA 95814

RE: SB 898 (Skinner) Criminal procedure – Oppose as Amended August 23, 2024

Dear Senator Skinner:

On behalf of the California District Attorneys Association (CDA A), I regret to inform you that we are opposed to your measure, SB 898. The recent amendments would create a right for persons incarcerated for homicides and the most heinous sexual assault crimes – to petition for resentencing every three years.

The most recent amendments appear to place some guardrails on last year's AB 600, but the critical point is that under AB 600 judges are not ever *required* to hold a hearing. SB 898, on the other hand, would mandate a hearing every three years for persons incarcerated for lengthy sentences, who have necessarily committed the most heinous of offenses. These hearings are mandated regardless of whether the incarcerated person can show evidence of rehabilitation.

SB 898 is not a mere restatement of last years' AB 600 which granted the courts' jurisdiction to resentence at any time if sentencing laws have been changed. To help guard against an overwhelming onslaught of frivolous motions, AB 600 did not provide a mechanism for an incarcerated person to file a recommendation. AB 600 expressly precluded defendants from filing petitions seeking relief. (Pen. Code, § 1171.2, subd. (c).) SB 898 will essentially repeal this critical provision and provide an entirely new avenue for defense-initiated petitions.

CDA A appreciates that the most recent amendments place some guardrails on the defense-initiated petitions, and we are open to discussions on additional amendments.

First, the provision permitting petitions every three years must be deleted. Renewed petitions every three years subvert finality for victims. Survivors of child molest, rape, and surviving family of murder victims, as well as victims of many other horrendous criminal acts, will never have closure if they are forced to face a resentencing hearing every three years. Moreover, such repeated hearings would require the courts to step into the role of a parole board, essentially reviewing in-prison conduct over and over again.

Additionally, it should be clarified that the *only* manner in which an incarcerated person or their attorney may request or petition for resentencing is under SB 898's provisions. In this manner courts will be able to devote sufficient resources to reviewing petitions brought by incarcerated persons who meet SB 898's amended criteria (as of August 23, 2024).

Finally, judgments of death and life imprisonment without parole (Pen. Code, § 190.2) should be excluded as should all persons convicted of sexual violence.

CDAA does not object to SB 898's expansion of civil remedies or to the addition of monitoring to protect incarcerated victims of abuse from retaliation. We agree that staff members who commit sexual assault should be adequately penalized, and that incarcerated persons who are victimized should be provided with appropriate medical and mental health care and protection.

We believe that the fact an inmate suffered abuse is already a factor that a court may consider in a properly presented motion for resentencing, and as such, we do not feel it is necessary to specify such victimization in Penal Code sections 1170 or 1171.2.

But we strenuously object to creating a revolving door of hearings for murders, rapists, and child molesters.

For these reasons, CDAA strongly opposes SB 898. If you would like to discuss our concerns with the bill, please contact me at kim@stoneadvocacy.com or (916) 798-1878.

Sincerely,

A handwritten signature in black ink that reads "Kim Stone". The signature is written in a cursive, slightly slanted style.

Kim Stone
Stone Advocacy, Lobbyist for CDAA