SB 300 (Cortese), the Sentencing Reform Act of 2021, will reform California’s unjust “felony murder special circumstance” law to ensure that the death penalty and life without the possibility of parole cannot be imposed on those who did not kill, nor intend that a person die, during a crime. The bill will also provide for an opportunity for resentencing consistent with this reform. This bill will also address the injustice of mandatory life without parole sentences by restoring to judges the discretion to impose a sentence of 25 years-to-life when they determine that an opportunity to earn parole would best serve the interest of justice in a case where special circumstances have been charged.

Current California law mandates a sentence of death or life without the possibility of parole (LWOP) for anyone convicted of “murder with special circumstances,” even if the person did not kill anyone, nor intend for anyone to die. Under current law, if a person dies during the course of certain felonies, even if the death is accidental, those who were involved in the felony are subject to these severe punishments regardless of their role in the person’s death or their intent. SB 300 will end this unjust practice.

Additionally, for all crimes in this sentencing scheme, if any special circumstance is found true, the judge has no choice but to sentence the person to death or LWOP – current law forbids the judge from considering whether these punishments are fair in any given case. The mandated minimum is to die behind prison walls, without any means of earning parole.

SB 300 will return to judges the discretion to dismiss special circumstance allegation if the judge decides that a sentence of 25 years-to-life – that is, life with the possibility of parole – is more appropriate and better serves the interest of justice.

Requiring these extreme punishments has resulted in a rigid, arbitrary, and draconian system that has meted out punishments that are severely disproportionate to the person’s culpability and do not serve the interest of justice or public safety.

Sentencing someone to die in prison – whether by the death penalty or by life without the possibility of parole – is virtually unheard of in much of the world. California not only regularly imposes these sentences but requires judges to impose them for certain categories of offenses, even on defendants who did not kill, nor intend for a person to be killed.

The “special circumstances” sentencing scheme reflects the worst tendencies within our criminal justice system – and overwhelmingly impacts people of color. More than two-thirds of people serving LWOP in California are Black or brown, and the vast majority had no prior criminal record before being sentenced to die in prison. Most were under 25 years of age at the time of the offense.

Decades of research has failed to show any public safety benefit from LWOP or the death penalty. On the contrary, severe punishments like these have driven the mass incarceration crisis that has destroyed lives, families, and entire communities, particularly Black and brown communities that have long been deprived of supportive investments and programs while being targeted by policing, racism, and oppression.

SB 1437 (Skinner) from 2018 reformed the first-degree felony murder rule, freeing many and restoring them to their families. It did not however, change “felony
murder special circumstances” and there is more work to be done.

Over the past decade, California voters and the Legislature have taken important steps to reduce the state’s reliance on punishment and imprisonment, including for people serving long sentences and for serious crimes. These reforms have benefited the safety of our communities by returning people to their families and freeing up funds that can be invested in addressing community needs, including mental health, job training, and education. However, none of this progress has benefited the families of persons convicted under ‘special circumstance’ or the people serving LWOP or the facing execution under the death penalty.

**THIS BILL**

SB 300 will address the injustice of the felony murder special circumstance law by allowing for a sentence other than the death penalty or life in prison without parole for a person who did not kill anyone, nor intend for anyone to die.

This bill restores judicial discretion to impose a sentence of 25-years-to-life, rather than death or LWOP when the judge rules that it serves the interest of justice in a case where a special circumstance is charged.

SB 300 also provides an avenue for currently incarcerated people sentenced to death or LWOP under the felony murder special circumstance law to petition the court for resentencing, offering recourse to Californians who have been unjustly sentenced.

**SUPPORT**

California Coalition for Women Prisoners *(Sponsor)*  
Californians United for a Responsible Budget (CURB) *(Sponsor)*  
The Drop LWOP Coalition *(Sponsor)*  
Ella Baker Center for Human Rights *(Sponsor)*  
Families United to End LWOP (FUEL) *(Sponsor)*  
Felony Murder Elimination Project *(Sponsor)*  
Silicon Valley De-Bug *(Sponsor)*

**FOR MORE INFORMATION**

Alan Moore  
[Alan.Moore@sen.ca.gov](mailto:Alan.Moore@sen.ca.gov)  
(916) 651-4015