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Assemblymember Ash Kalra and Advocates Declare Now is Time for California Racial Justice Act

The California Racial Justice Act will prohibit the use of race, ethnicity or national origin to seek or obtain convictions or sentences

SACRAMENTO – Assemblymember Ash Kalra (D-San Jose), author of Assembly Bill 2542 (AB 2542), also known as the California Racial Justice Act, was joined by advocates to urge support for the landmark bill addressing racial discrimination in criminal sentencing and convictions.

“While we commemorate our nation’s Independence Day, we must ask ourselves if we are living up to the promises of freedom made to everyone in this country,” said Assemblymember Kalra. “We have had countless opportunities for reflection and we have committed to doing better, but now is the moment for meaningful action.”

“As lawmakers, we can no longer accept the pervasive issues in our criminal justice system as unfixable—that is why we need to take the next step forward by prohibiting the use of race and ethnicity as a factor in the state’s justice system across the board,” he added. “We either do everything in our power to root out systemic racism from our criminal justice system, or allow our proclamations of justice and equality for all to ring hollow.”

The principal coauthors of AB 2542 are Senators Steve Bradford (D-Gardena), Lena Gonzalez (D- Long Beach), and Holly Mitchell (D-Los Angeles).

“We do not live in a colorblind society,” said Senator Mitchell. “Statistics show Black people are more likely to receive a death sentence than a white person for the same crime. Racial bias and discrimination determines countless cases, sending innocent men and women behind bars. The California Racial Justice Act is an important step in reforming our criminal justice system while subsequently challenging our racist ideologies.”

The California Racial Justice Act is a countermeasure to address a widely condemned 1987 legal precedent established by the U.S. Supreme Court in the case of *McCleskey v. Kemp*. The *McCleskey* decision has the functional effect of requiring that criminal defendants prove intentional discrimination when challenging racial

bias in their legal process. This is an unreasonably high standard and is almost impossible to meet without direct proof that the racially discriminatory behavior was conscious, deliberate and targeted. The Court's majority, however, also observed that State Legislatures concerned about racial bias in the criminal justice system could act to address it.

“The California Racial Justice Act aims to directly defend Black lives by allowing California to confront systemic racism in the criminal legal system, which has devastated the Black community for far too long. People all over the country are calling for an end to state violence against Black people and this bill reminds us that state violence begins in the community and is extended in the courts and in sentencing,” said Amber-Rose Howard of Californians United for a Responsible Budget. “Passing this policy means addressing mass incarceration at the root and clearing a pathway to tackle the impacts of racism as we know it.”

Two states, Kentucky and North Carolina, both enacted Racial Justice Acts specific to the death penalty, although the North Carolina law was later repealed when the majority in the Legislature changed parties. The California Racial Justice Act will go further by prohibiting racial discrimination in all convictions and sentences and creating a process to challenge racial bias at trial or following conviction.

AB 2542 is sponsored by American Friends Service Committee, Asian Americans Advancing Justice, California Coalition for Women Prisoners, Californians United for a Responsible Budget, Ella Baker Center for Human Rights, the League of Women Voters of California, and NextGen.

The bill is also co-authored by Assemblymembers Rob Bonta (D-Oakland), Kansen Chu (D-San Jose), Laura Friedman (D-Glendale), Sydney Kamlager (D-Los Angeles), Marc Levine (D-Marin), Kevin McCarty (D-Sacramento), Mark Stone (D-Monterey), Robert Rivas (D-Hollister), Phil Ting (D-San Francisco), and Dr. Shirley Weber (D-San Diego), and Senators Maria Elena Durazo (D-Los Angeles) and Scott Wiener (D-San Francisco).

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