

Senate Bill 1437

BESTT Practices Act - Better and Equitable Sentencing Through Thoughtful Practices Senator Skinner (SD 9)

THIS BILL

SB 1437 seeks to restore proportional responsibility in the application of California's murder statute reserving the harshest punishments for those who intentionally planned or actually committed the killing.

ISSUE

In criminal justice, a person's intent is a critical element to determine punishment for a criminal offense with one glaring exception. Under current California law, prosecutors are able to replace the intent to commit murder with the intent to commit a felony if the felony results in a death. Thus a person can be found guilty of murder if a death occurs while a felony is committed. It does not matter whether the death was intended or whether a person had knowledge that the death had even occurred.

The result is that California's felony murder statute has been applied even when a death was accidental, unintentional or unforeseen but occurred during the course of certain crimes.

This application of the statute has caused disproportionately long sentences for people who did not commit murder, and who in some cases had, at best, very peripheral involvement in the crime that resulted in a death.

According to a 2018 survey by the Anti-Recidivism Coalition and Restore Justice, 72% of women currently incarcerated in California with a life sentence did not commit the homicide. Additionally, the average age of those charged and sentenced under this interpretation of the murder statute is 20 years old; indicating that youth who were peripheral to a homicide are often held as responsible as the actual killer.

The California Supreme Court has commented on the necessity to fix this interpretation of California's murder statute. In *People v. Dillon*, the state Supreme Court called the use of the felony murder rule to charge those who did not commit a murder, or had no knowledge or involvement in the planning of the murder, "barbaric".

States such as Arkansas, Massachusetts, Kentucky, Hawaii, Michigan, and Ohio have narrowed the scope of what is known as the felony murder rule and limited the application of their murder statute. Ohio, for example, now requires that a killing that occurs during a felony must be an intentional killing in order to receive a first-degree murder conviction.

SOLUTION

SB 1437 clarifies that a person may only be convicted of murder if the individual willingly participated in an act that results in a homicide or that was clearly intended to result in a homicide. Under this bill, prosecutors would no longer be able to substitute the intent to commit a felony for the intent to commit murder.

SB 1437 would also provide a means for resentencing those who were convicted of murder under the felony murder rule but who did not actually commit the homicide.

SUPPORT

Restore Justice (co-sponsor)
Anti-Recidivism Coalition (co-sponsor)
Californians for Safety and Justice (co-sponsor)
California Coalition for Women Prisoners (co-sponsor)
CARES for Youth (co-sponsor)
Felony Murder Elimination Project (co-sponsor)
Initiate Justice (co-sponsor)
University of San Francisco School of Law Criminal and Juvenile Justice Clinic and Racial Justice Clinic (co-sponsor)
USC Gould School of Law Post-Conviction Justice Project (co-sponsor)
Youth Justice Coalition (co-sponsor)

CONTACT

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