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CALIFORNIA

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ARLETA NEIGHBORHOOD COUNCIL

Attention: Arleta NC
9300 Laurel Cyn.Bl., 2nd Floor
Arleta, CA 91331
www.arletanc.org

August 24, 2021

ARLETA NEIGHBORHOOD COUNCIL
Community Impact Statement

We write to you to inform that the Arleta Neighborhood Council **opposes** State Senate Bill 300. SB 300 amends California Penal Code Section 190.2, subdivision (d) where it currently reads:¹

Notwithstanding subdivision (c), every person, not the actual killer, who, with reckless indifference to human life and as a major participant, aids, abets, counsels, commands, induces, solicits, requests, or assists in the commission of a felony enumerated in paragraph (17) of subdivision (a) which results in the death of some person or persons, and who is found guilty of murder in the first degree therefor, shall be punished by death or imprisonment in the state prison for life without the possibility of parole if a special circumstance enumerated in paragraph (17) of subdivision (a) has been found to be true under Section 190.4.

The penalty shall be determined as provided in this section and Sections 190.1, 190.3, 190.4, and 190.5.

SB 300 **repeals** subdivision (d) altogether.² This means that if an accomplice assisted in any fashion in the commission of a crime that resulted in the murder of a person, be it being the driver in a getaway vehicle, or one who assisted in the moving of a body in order to conceal the victim's death or to unblock an exit in a building being obstructed by the victim's body, but was not the suspect that used a firearm or object to cause injury that led to the victim's loss of life—that suspect **will not be punished** by death or imprisonment in the state prison for life without the possibility of parole.

Furthermore, SB 300 also repeals California Penal Code §1385.1 altogether. California Penal Code §1385.1 currently reads:

Notwithstanding Section 1385 or any other provision of law, a judge shall not strike or dismiss any special circumstance which is admitted by a plea of guilty or nolo contendere or is found by a jury or court as provided in Sections 190.1 to 190.5, inclusive.

¹ https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=190.2.

² https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB300

APPROVED
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9 Yea 0 No 3 Absent 1 Abstain

In the absence of this section of the penal code it means that a judge will have the ability to dismiss a special circumstance even if that special circumstance was found by a jury or court.

In 2020 there were 2,202 homicides in California compared to the 1,679 in 2019—that is a 31.1% jump in homicides.³ If SB 300 is passed, it will continue in the likes of Wild, Wild, West legislation that has unfolded in California since Assembly Bill 109 (Prison Realignment (2011))⁴, Proposition 47 (Safe Neighborhoods and Schools Act (2014)), and current consideration in the California legislature of Senate Bill 262 that removes cash bail in efforts to make bail *affordable for criminals of lesser means*. Altogether, these laws have made and will continue to make California unsafe and unfeasible for life, peace, prosperity, and the pursuit of happiness.

Therefore, what is the purpose of taxing and representing California citizens if they are overtaxed, unrepresented, unprotected, and find themselves in a state where criminals will not be prosecuted for heinous crimes, convicted felons are granted early release in an affront to victims of crimes and turned the judicial system into a mockery, where unpermitted gun carriers in public are not prosecuted, where the possession of a controlled substance is now a misdemeanor, and where current California law does not allow for the felony prosecution of shoplifters if the stolen goods are valued at/or are less than \$950 and even if multiple shoplifting was committed by the same person within the same day or on different dates?

The Arleta Neighborhood Council opposes SB 300. Opinions expressed in this Community Impact Statement are those of the Arleta Neighborhood Council and not necessarily those of the City of Los Angeles.

³ <https://data-openjustice.doj.ca.gov/sites/default/files/2021-06/Homicide%20In%20CA%202020.pdf>

⁴ https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201120120AB109