

September 27, 2013

The Honorable Edmund G. Brown Jr.
Governor of California
State Capitol, Suite 1173
Sacramento, CA 95814

RE: SB 649 – Request for Signature

Dear Governor Brown:

On behalf of California's leading Latino organizations, we write to respectfully request your signature on SB 649 (Leno), which will revise the state penalty for drug possession for personal use from a felony to an alternate misdemeanor/felony. The legislation will not change the penalties for sale, transportation, manufacture, or possession for sale.

Together, our organizations represent the majority of the states 38.2% Latino population, 17 community-based organizations serving local, state and national Latino interest. Together we work to advance the economic condition, educational attainment, and political influence in the state of California.

This modest reform is very important to California's Latino communities, which suffer disproportionate arrest, prosecution and incarceration rates for drug law violations. In particular, Latino youth are vastly more likely to be arrested for a felony drug offense than any other racial/ethnic group, even though their rates of drug use and sales are no higher than other groups. In 2010, California arrested 6,197 young people under the age of 18 for a felony drug offense; over half (3,454 – or 55.7%) were Latinos. Furthermore, 3.5% of Latino children had a parent locked up in 2008 – double the parental incarceration rate of white children (1.75%) that year.

SB 649 will create opportunities within the criminal justice system to help address these disparities. Critically, defendants will have the opportunity to be charged with a misdemeanor rather than an automatic felony. By eliminating one-size-fits-all sentencing for simple drug possession, punishment can be made more appropriate to the offense. This is an important safety valve when so many young Latinos are being swept into the criminal justice system. Those convicted of a misdemeanor would avoid the significant and life-long barriers to employment, housing and public services that come with a felony conviction and that work against successful reentry.

SB 649 will also incentivize success and reduce recidivism. That is because in California, individuals convicted of an alternate misdemeanor/felony offense can – *if they successfully complete all the terms of probation* – petition a court to reduce the conviction on their record from a felony to a misdemeanor. The court will have discretion as to whether to grant the petition. Although the conviction will remain on an individual's record, this reduction, where granted, sends an important signal to prospective employers and others than the conviction is in a person's past, improving the employability of people who are striving to turn their lives around.

SB 649 will preserve funding for the kinds of services that keep our communities safe and that help our community members overcome their drug problems. The Legislative Analyst's Office estimates that if all drug possession for personal use were charged as a misdemeanor, counties would save

about \$160 million annually statewide. Savings will accrue to counties to be spent according to local priorities, including drug treatment, mental health, and/or law enforcement costs.

In conclusion, the Latino organizations and signatories of this letter respectfully request your signature on SB 649 because it will give counties a chance to avoid the state's failed over-reliance on incarceration in response to drug possession and instead more wisely invest taxpayer dollars in the kinds of community-based treatment, rehabilitation, and education programs proven to reduce recidivism, prevent crime, and make our communities safer and healthier.

We urge you to sign SB 649 into law.

For further information about this effort, please contact Armando Gudiño at (213) 382-6400 x6.

Respectfully,

Anahuak Youth League

Los Angeles County

CA Latino Congress

California

Coalition for Humane Immigrant Rights of Los Angeles (CHRILA)

California

Hermanidad Mexicana Nacional

International

Hermanidad Mexicana Nacional Humanitarian Foundation

International

Homeboy Industries

Los Angeles County

Homies Unidos

Los Angeles County

League of United Latin American Citizens (LULAC- California)

National

Justice Not Jails - Latino Faith Outreach

Los Angeles County

Mexican American Legal Defense Education Fund (MALDEF)

National

Mexican American Bar Association

California

Mexican American Political Association

California

National Alliance of Latin American and Caribbean Communities

National

National Council of La Raza (NCLR)

National

Presente.org

National

The Watts/Century Latino Organization (WCLO)

Los Angeles County

Willie C. Velasquez Institute (WCVI)

California

Cc: