The California Fair Sentencing Act - SB 1010
Senator Holly Mitchell

Summary
SB 1010, introduced by Senator Holly Mitchell and co-authored by Senator Ricardo Lara, will equalize the penalties for crack cocaine to the current penalties for powder cocaine. Senator Mitchell’s bill will correct the groundless disparity in sentencing and probation guidelines for possession of crack cocaine for sale versus the same crime involving powder cocaine that has resulted in a pattern of racial discrimination in sentencing and incarceration in California.

Crack and powder cocaine are two forms of the same drug. Scientific reports, including a major study published in the Journal of the American Medical Association, demonstrate that they have nearly identical effects on the human body. Crack cocaine is a product derived when cocaine powder is processed with an alkali, typically common baking soda. Gram for gram, there is less active drug in crack cocaine than in powder cocaine.

Whatever their intended goal, disparate sentencing guidelines for two forms of the same drug has resulted in a pattern of institutional racism, with longer prison sentences given to people of color who are more likely to be arrested for crack cocaine offenses compared to powder cocaine offenses, despite comparable rates of use and sales across racial and ethnic groups, according to multiple national surveys.

According to the California Department of Corrections and Rehabilitation (CDCR), in 2013 approximately 1000 people were in state prison for crack cocaine possession for sale. The nonpartisan Legislative Analyst’s Office estimates millions of dollars in savings for state and local governments if SB 1010 becomes law.

CDCR data also reveals that people of color account for over 98% of persons sent to California prisons for possession of crack cocaine for sale. From 2005 to 2010, Blacks accounted for 77.4% of state prison commitments for crack possession for sale, Latinos accounted for 18.1%. Whites accounted for less than 2% of all those sent to California prisons in that five year period. Blacks make up 6.6% of the population in California; Latinos 38.2%, and whites 39.4%.

This Bill
Sentencing Disparities: The current penalty guidelines for possession of crack cocaine for sale is 3, 4, or 5 years. SB 1010 equalizes the penalty to be the same as for powder cocaine, 2, 3, or 4 years.

Probation Disparities: Under current law, judges have less discretion to sentence a person to probation supervision for crack cocaine offenses than they do for the same crimes involving powder cocaine. SB 1010 equalizes the judge’s discretion to the current guidelines for powder cocaine.

Asset Forfeiture Disparities: Under current asset forfeiture guidelines, a person convicted of possession of a half-ounce of crack cocaine can lose their home, car and other possessions. SB 1010 will equalize the guidelines to the current guidelines for powder cocaine—one ounce.

Sponsors:
- Drug Policy Alliance
- American Civil Liberties Union
- A New Way of Life
- California Attorneys for Criminal Justice
- California Public Defenders Assoc.
- California State Conference—NAACP
- Californians for Safety & Justice
- Ella Baker Center for Human Rights
- Friends Committee on Legislation-California
- National Council for La Raza
- William C. Velázquez Institute

Support Highlights (over 100 supporters):
- Los Angeles County District Attorney
- Santa Clara County District Attorney
- Advancement Project
- California Society of Addiction Medicine
- Children’s Defense Fund, California
- CHIRLA
- Homeboy Industries
- L.A. Centers for Alcohol and Drug Abuse
- Los Angeles Metropolitan Churches
- League of United Latin American Citizens (LULAC)
- MALDEF
- National Latino Evangelical Coalition
- Erwin Chemerinsky, Dean, UC Irvine School of Law

Bill Status:
- Passed Senate Public Safety 4/29/14 by 4-2
- Passed Senate Appropriations 5/12/14 by 5-2
- Senate Floor Vote in May

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