

REJECT SB 1400

On June 22, Senator Lisa Baker introduced SB 1400. The bill quickly passed the Senate and is now in the House Judiciary. SB 1400 would be disastrous for the 1000+ people serving unconstitutional LWOP sentences for 2nd degree, and would make new 2nd degree sentences incredibly punitive. Here's what SB 1400 would do:

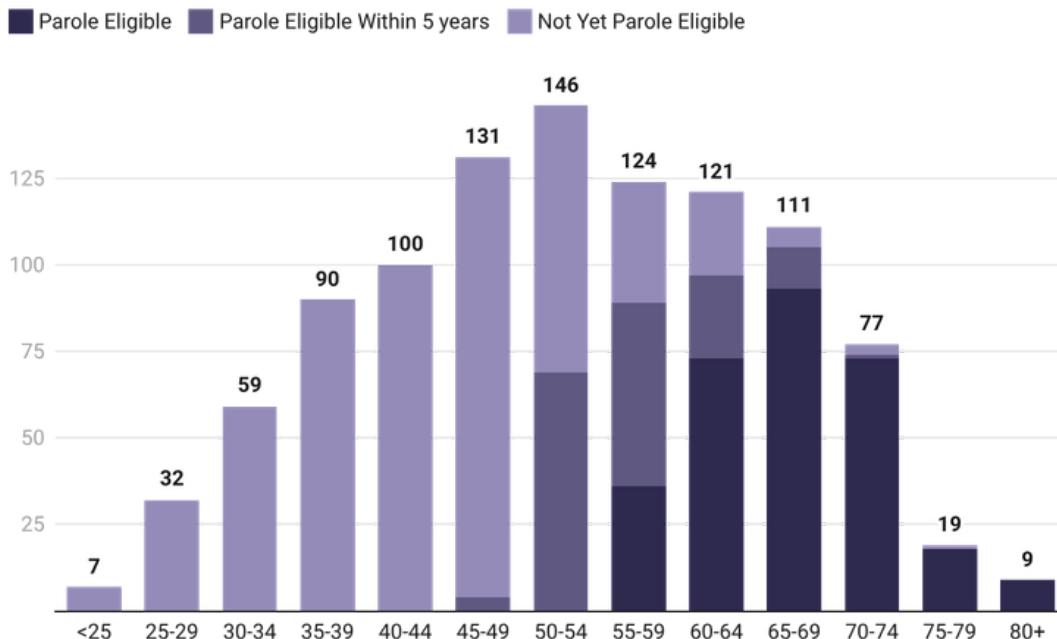
Prospective Sentencings:

- Mandatory minimum of 35 years, with a maximum of a life sentence:
 - Individuals could still be sentenced to life without parole (LWOP) in some circumstances, including for those who “caused the death of the victim” and have certain previous convictions.
- Misleading lower sentencing range of 10 to 40 years:
 - While SB 1400 boasts sentencing mitigation, the actual requirements for a lower sentence are nearly impossible to meet for those charged with felony murder. For instance, defendants could not have “aid[ed] another to commit the underlying felony”.

Retroactive Parole Eligibility:

- Individuals would only be eligible for parole consideration if they have served 35+ years on their unconstitutional LWOP sentences
 - While SB 1400 claims to be compassionate by allowing individuals 70 and older parole consideration after 20 years served, this only changes the eligibility of 9 more people out of over 1000, 2 of whom would have been eligible within 5 years under the 35-year requirement.
- SB 1400 includes numerous exclusions from even being considered by the parole board.
- Even without exclusions, less than one-third of individuals unconstitutionally sentenced to life without parole would be eligible for parole consideration.

The chart below shows this distribution by age group, with no one under 55 years old being parole eligible.



Under SB 1400, at most 29% of those serving unconstitutional LWOP sentences for 2nd degree would be eligible for parole, with only 15% more eligible within 5 years.