

BAIL REFORM CAN'T WAIT!

YES ON SB 10 (Hertzberg) NOW

A strong and diverse coalition has come together to support **SB 10** (as amended) which strikes the balance needed to move justice forward AND make communities safer. In doing so, no one will ever again be held in jail for the sole reason of not being able to afford bail.

- ✓ **Makes History:** California will be the first state in the nation to completely eliminate the use of money bail and to do so without erecting new monetary conditions of release.
- ✓ **Stops discrimination:** SB 10 ends the racist application of money bail and ends the disparate treatment of poor and low-income defendants.
- ✓ **Ends Plea Bargain Coercion:** SB 10 will reduce the number of innocent people pleading guilty because they can't afford bail and they can't afford to stay in jail.
- ✓ **Blocks Wealth Stripping:** The \$2 billion private, for-profit bail bonds industry will no longer have the ability to strip wealth from low-income communities of color. Instead, this money will stay in our economy and support the economic stability of our families, our communities and our state.
- ✓ **Prioritizes Safety:** SB 10 bases pretrial release decisions on safety and subjects people to a risk assessment if they are charged with a felony or are charged with a misdemeanor for domestic violence, assault or a serious sex offense or have another indicator of risk to the public or risk of flight.

SB 10 is Urgently Needed - Justice Can't Wait

Governor Brown, Attorney General Xavier Becerra, the Chief Justice of the State Supreme Court, legal scholars, community groups and people who have been arrested, detained and unable to pay bail all agree that the current system is unjust and unsafe for everyone involved.

- Failing to pass SB 10 this year means allowing more people remaining locked up only because they can't afford bail, regardless of their guilt or innocence or their lack of a threat to others.
- Because people of color are overrepresented in the criminal justice system and have higher rates of poverty, maintaining money bail for any amount of time is not only unjust, it exacerbates racial inequities.
- We can't pass up the chance to implement these reforms NOW to make California safer and more just.

Key components of SB 10:

- Replaces money bail with a risk-based pre-trial system that is safer and more just.
- Will not allow counties to charge people for the conditions of their pretrial release.
- The risk-based pretrial system will protect people's pretrial rights, and eliminate the coercive effects of bail that forces people into guilty pleas even if they are innocent.
- Will require that people be released with the least restrictive conditions, unless the court determines that they must be held to protect public safety or to ensure the people charged with a crime will participate in judicial proceedings.
- Risk-based pretrial services will ensure people return to court and protect public safety.
- Risk assessments will be conducted by public employees using a validated risk assessment tool identified by the Judicial

Who Supports the amended SB 10?

Governor Brown

Lt. Governor Newsom

Speaker Rendon

Sen Pro-Tem Atkins

SEIU California workers

Judicial Council

Californians for Safety and Justice

Western Center on Law and Poverty

Anti-Recidivism Coalition

Next Gen America

Council. SB 10 holds the Judicial Council accountable for ensuring tools are not biased, requiring data collection to keep improving.

- Requires an independent evaluation of pre-trial reform, particularly its impact by race, ethnicity, gender and income level no later than January 1, 2024.

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The system will be based on a 3-tiered charge and risk-based matrix for release and detention decision-making, as follows:

- People who are arrested and not charged with a crime will be released.
- People arrested for **most** misdemeanors (see exceptions below) will be booked and released.
- People arrested and charged with a felony will have a rebuttable presumption of detention and subject to a risk assessment as will any person charged with a misdemeanor for a serious sex offense, an assault or domestic violence and people who are arrested for a misdemeanor and has a pending sentencing or trial for another crime, has 3 or more failures to appear in the last twelve months, is on parole or probation, has threatened a witness, has violated a restraining order in the last five years or has been convicted of a serious or violent felony in the last five years.
- For all people subject to a risk assessment, one will be conducted within 24 hours of booking.

SB 10 Prioritizes Jail Space to Reduce Safety Risks

Current System	SB 10
49% of people charged with a crime await trial in jail (PPIC Data)	46% percent of people will be released within 24 hours of arrest
People stay in jail if they can't afford bail, and for no other reason.	Risk assessment determines who stays in jail. No person will be required to post bail or comply with any monetary condition of release.
Jail space occupied by people with low-level charges who are there only because they cannot afford to post bail.	Jail space is needed only for people who have been convicted, are charged with violent felonies, or who are determined to pose a risk to public safety.

SB 10 is a huge step forward in criminal justice reform.

The fight for criminal justice reform didn't start with SB 10 and it won't end with SB 10. Ending money bail and establishing an alternative that is not founded on monetary reasons for detention is an important next step in California's criminal justice reform. Californians have come together throughout the better half of a decade, with the important leadership of impacted communities, the judiciary branch, the legislature and public safety professionals, to make a more equitable and accountable justice system and we will continue to do so throughout the implementation of SB 10 and beyond.

**Justice & Safety Can't Wait.
The time for reform is NOW.**

YES ON SB 10