



AGENDA REPORT

City Council

DATE:	April 5, 2022
TO:	Mayor Butt and Members of the City Council
FROM:	Councilmembers Gayle McLaughlin, Claudia Jiménez and Melvin Willis
Subject:	Support for California Racial Justice Act for All (AB 256)
FINANCIAL IMPACT:	There is no financial impact related to this item.
PREVIOUS COUNCIL ACTION:	The City Council has a history of supporting racial justice and equity for all.
STATEMENT OF THE ISSUE:	The Ella Baker Center is working to get counties and cities to pass resolutions in support of AB 256. This bill extends the Racial Justice Act passed in 2020 to provide the same relief in instances of racial bias in criminal convictions or sentences decided before 2021.
RECOMMENDED ACTION:	ADOPT a resolution in support for California Racial Justice Act for All (AB 256) – Councilmembers Gayle McLaughlin (510-620-6636), Melvin Willis (510-412-2050) and Claudia Jiménez (510-620-6565).

DISCUSSION:

In 2020, Assemblymember Ash Kalra introduced the California Racial Justice Act ([AB 2542](#)), meant to provide a mechanism for relief for those whose convictions or sentences were based upon race, ethnicity, or national origin. **The Act is the first law in California allowing individuals impacted by the criminal legal system to object to charges, convictions, or sentences if they can show that anyone involved in their case—whether judge, attorney, officer, expert witness, or juror—demonstrated bias during the process.** The Act further allows for demographic inequities in charges, convictions, or sentences to serve as evidence of this bias.

The original Racial Justice Act, however, was prospective; it excluded protection to those who had been harmed prior to January 1, 2021, by the racial bias and discrimination that has long permeated our criminal legal system.

The California Racial Justice Act for All ([AB 256](#)) seeks to remedy this, allowing for the retroactive application of the protections of the original Act—to cases from before 2021. This is a critical broadening of the existing law for those community members who have waited far too long to return home.

DOCUMENTS ATTACHED:

Attachment 1 – Resolution
Attachment 2 – AB 256 Bill Text