



THE ISSUE: AB 2590 Sentencing: restorative justice (Weber, D-San Diego) would declare that the purpose of sentencing is public safety, achieved through accountability, rehabilitation and restorative justice. **(Support)**

“When the respect for basic human rights is neglected, the implementation of the penalty degenerates into an instrument of punishment alone and of social retaliation, which in turn is detrimental to the individual and society.”

—Pope Francis, Visit to Detainees, Penitentiary Staff, and their Families, June 2014

HISTORY & BACKGROUND

In 1976, under Governor Brown, our current “determinate” sentencing law (DSL) was adopted. The core component of the DSL was the “triad” sentencing option. Each felony offense was written to include a “low” “mid/middle” and “upper” term. By law, a judge was required to impose the middle term unless the facts in the case justified the “low” or “upper” term. The “triad” approach was constitutionally challenged and legislators then adopted a new sentencing triad, three fixed sentences with no ranges between them. That law sunsets January 1, 2017.

The criminal justice sentencing system scheme requires offenders to be punished for their crimes. In communities and many countries throughout the world, Restorative Justice provides an alternative framework for approaching sentencing. Restorative Justice seeks to heal victims, rehabilitate offenders, and create safer communities.

This bill, which offers an alternative to punitive justice, will create change within our criminal justice system and put an emphasis on public safety.

CHURCH TEACHING

“A Catholic approach does not give up on those who violate laws. We believe that both victims and offenders are children of God. Despite their very different claims in society, their lives and dignity should be protected and respected. We believe a Catholic vision of crime and criminal justice can offer some alternatives. It recognizes that root causes and personal choices can both be factors in crime by understanding the need for responsibility on the part of the offender and an opportunity for their rehabilitation.”

- U.S. Bishops in *Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice*, 2000

TALKING POINTS

- ▶ We believe our faith calls us to protect public safety, promote the common good and restore community.
- ▶ Restorative Justice focuses on the victim and the community harmed by the crime, rather than on the dominant “state against the perpetrator” model.
- ▶ AB 2590 leaves the triad of determinate sentencing in place; it opens the door for judges to find rehabilitative and restorative sentencing solutions.
- ▶ This bill offers a focus on public safety.