

# MISSING EXECUTED LEGISLATION FORM

Resolution / Ordinance Number: 89054

City Council Meeting Date MAR 01 2022

Agenda Item No. 2.11

Recorded Vote 8 Ayes

**Status of Resolution/Ordinance:**

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Filed without signature | <input type="checkbox"/> No signed version will be filed |
| <input type="checkbox"/> Council amended legislation        | <input type="checkbox"/> No signed version will be filed |

**Author Contact Information:**

Department Council Office

Contact Person/Ext. C. Ramos Munoz / 7246

Notes (if any)

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FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

22 FEB 25 AM 11:00

Approved As To Form And Legality

**DRAFT**

City Attorney's Office

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

INTRODUCED BY COUNCIL PRESIDENT PRO TEMPORE SHENG THAO AND  
COUNCIL PRESIDENT NIKKI FORTUNATO BAS

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**RESOLUTION IN SUPPORT OF ASSEMBLY BILL 256 (KALRA, KAMLAGER, RIVAS, & SANTIAGO), WHICH WOULD EXTEND RIGHTS PROVIDED UNDER THE CALIFORNIA RACIAL JUSTICE ACT OF 2020, WHICH, AMONG OTHER THINGS, PROVIDES GROUNDS TO HAVE CONVICTIONS OR SENTENCES REVIEWED FOR EVIDENCE OF STATE PROSECUTION BASED ON RACE, ETHNICITY OR NATIONAL ORIGIN THAT WERE ENTERED ON OR AFTER JANUARY 1, 2021, TO INDIVIDUALS WHOSE CONVICTIONS OR SENTENCES WERE ENTERED PRIOR TO JANUARY 1, 2021**

**WHEREAS**, the history of the State of California is inseparable from unequal treatment of Californians of different racial and ethnic backgrounds; and

**WHEREAS**, the State of California and Californians must reconcile with injustices of history and take active steps toward social equality and heal historical and institutional racism; and

**WHEREAS**, implicit bias, even unintentional or unconscious, is sufficient for unequal racial outcomes of justice and prosperity; and

**WHEREAS**, racial disparities exist throughout the California justice system; and

**WHEREAS**, California has disproportionately incarcerated indigenous, Latinx and Black people, with black people incarcerated at a rate nine times higher than their share of the population; and

**WHEREAS**, involvement in the justice system can have a ripple effect on families, exposing them to emotional and economic instability; and

**WHEREAS**, the United States Supreme Court Justice Sonia Sotomayor once observed “[t]he way to stop discrimination on the basis of race is to speak openly and candidly on the subject of race, and to apply the Constitution with eyes open to the unfortunate effects of centuries of racial discrimination.”; and

**WHEREAS**, the California Racial Justice Act of 2020 amended California Penal Code Section 745 to provide that “the state shall not seek or obtain a criminal conviction or seek, obtain, or impose a sentence on the basis of race, ethnicity, or national origin’ to ensure that race, ethnicity and national origin play no role at all in seeking or obtaining convictions or in sentencing; and

**WHEREAS**, the California Racial Justice Act of 2020 allows individuals who allege that the state improperly sought their convictions or sentences on the basis of race, ethnicity or national origin to petition the court to have their convictions and sentences vacated and new proceedings ordered; and

**WHEREAS**, the California Racial Justice Act of 2020 did not apply to judgments entered in criminal proceedings *before* January 1, 2021; and

**WHEREAS**, California State Assembly Bill 256 (Kalra, Kamlager, Rivas, and Santiago) would provide the rights granted under California Racial Justice Act of 2020 retroactively to individuals whose judgments were entered in criminal proceedings *before* January 1, 2021, which would enable more individuals to seek to have their convictions vacated and have new proceedings ordered; and

**WHEREAS**, Assembly Bill 256, among other things, would further require a judge to disqualify himself from new proceedings when a petition brought under the California Racial Justice Act of 2020 is based on the conduct or statements of the judge; now, therefore, be it

**RESOLVED:** That the Oakland City Council hereby endorses AB 256 (Kalra, Kamlager, Rivas, and Santiago) and urges the California State Legislature and Governor Gavin Newsom to support its enactment into law.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND  
PRESIDENT FORTUNATO BAS

NOES –  
ABSENT –  
ABSTENTION –

ATTEST: \_\_\_\_\_  
ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California