
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**

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 themselves 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