



AB 333 (KAMLAGER) The STEP Forward Act

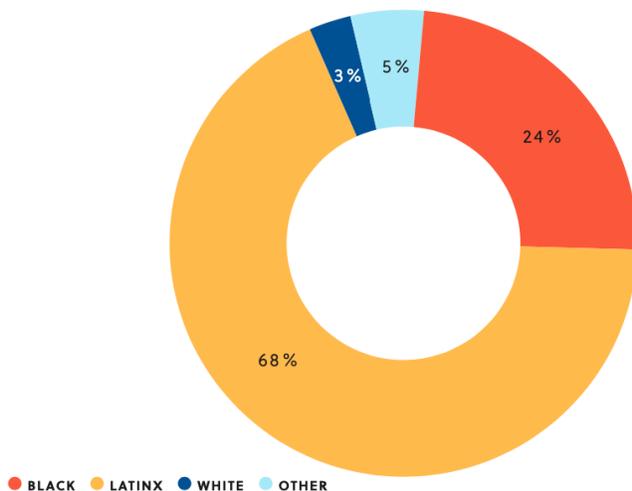
California’s gang enhancement laws have caused immeasurable damage to our communities by criminalizing culture and relationships among people in low-income Black and Latino/Latina/Latinx communities.

Gang enhancements are not an effective method of deterring crime or violence, and have been applied inconsistently and disproportionately against people of color: a staggering **92% of people who receive gang enhancements are people of color.**

The vague definitions and weak standards of proof that characterize gang enhancements have made their use one of the most devastating drivers of mass incarceration in the state. Further, these enhancements are responsible for the collective trauma of countless families and communities.

AB 333 seeks to address these harms by making changes to the law in order to reduce their damaging and racially motivated application in criminal cases, and making the standards for applying a gang enhancement more rigorous.

PERCENTAGE OF PEOPLE CURRENTLY IN PRISON WITH GANG ENHANCEMENTS BY RACE (2020)



Source: Penal Code Revision Committee 2020 Annual Report

BACKGROUND

In 1988 California enacted the STEP Act, with the purported goal of eradicating “criminal activity by street gangs.” At the time, the Legislature asserted that California was “in a state of crisis ... caused by violent street gangs whose members threaten, terrorize, and commit a multitude of crimes against the peaceful citizens of their neighborhoods.” As originally enacted, the STEP Act aimed to eliminate gangs by creating a three year enhancement for gang-related

offenses. Proponents of the law promised the enhancement would only apply when “the provable purpose of the gang is to commit serious and violent crime and it can be shown that a gang member knew that was the gang’s purpose when he joined.”

Since then, lawmakers, courts, and Prop. 21 (2000) have increased the penalties that accompany gang enhancements and dramatically broadened their application. In some circumstances, gang enhancements can even lead to a life sentence. These enhancements also apply to nonviolent crimes and misdemeanors, and result in long mandatory prison sentences. Many people also receive enhancements based on other alleged gang members’ conduct, whom they may have never even met - often simply because they are from the same neighborhood.

The California Attorney General’s 2019 Annual Report on CalGang, the statewide intelligence database used by law enforcement to track alleged gang members revealed that people in the CalGang system were 68% Latino/Latina/Latinx, 24% Black, and 6% White. Because these numbers are based entirely on law enforcement data, overpoliced and targeted Black and Brown communities are more likely to be overrepresented compared to less policed White communities- and the available data likely underrepresents suspected white gang members.

AB 333 will:

- End prosecutors’ ability to claim people are gang members simply because they may come from the same community, be related, or know each other;
- Reduce the list of crimes that allow gang enhancements to be charged;
- Prohibit the use of the current charge as proof of a “pattern” of criminal gang activity;
- Require direct evidence of current and active gang allegations;
- Separate gang allegations from underlying charges at trial.

Co-Sponsors

Silicon Valley DeBug, Anti-Recidivism Coalition, San Francisco Public Defender, NextGen California, Young Women’s Freedom Center, Pillars of the Community

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