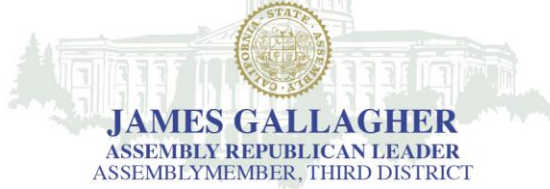


STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0003
(916) 319-2003
FAX (916) 319-2103

E-MAIL
Assemblymember.Gallagher@assembly.ca.gov

Assembly
California Legislature



JAMES GALLAGHER
ASSEMBLY REPUBLICAN LEADER
ASSEMBLYMEMBER, THIRD DISTRICT

DISTRICT OFFICES
2060 TALBERT DRIVE, SUITE 110
CHICO, CA 95928
(530) 895-4217
FAX (530) 895-4219

1130 CIVIC CENTER BOULEVARD, SUITE F
YUBA CITY, CA 95993
(530) 671-0303
FAX (530) 671-0308

September 13, 2022

The Honorable Gavin Newsom
Governor, State of California
1021 O Street, Suite 9000
Sacramento, CA 95814

RE: RECOMMENDED VETO OF AB 256 (KALRA, A)

Dear Governor Newsom:

I respectfully request a veto of Assembly Bill 256, which passed the Assembly on 8/31/22 by a vote of 46 to 25, with 19 members of the Assembly Republican Caucus voting "No."

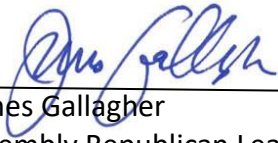
AB 256 makes the provisions of the California Racial Justice Act (AB 2542) of 2020 retroactive, allowing criminal convictions to be overturned based on a variety of technicalities. It changes the focus from the guilt of the criminal to general statistical disparities in conviction or sentencing rates. Assembly Republicans opposed AB 2532 (Kalra) in 2020 because of these concerns. This bill exacerbates them by making its provisions retroactive to all cases, potentially allowing thousands of criminal sentences to be overturned due to criteria unrelated to the offender's guilt or the fairness of his or her trial.

We are already seeing problems related to implementation of the Racial Justice Act. A San Francisco police sergeant, who himself is of Mexican and Nicaraguan descent, is accused of racially profiling Latino drug dealers in violation of the Act in an area of the Tenderloin District where the drug trade is overwhelmingly dominated by Latinos. Similar efforts to stigmatize legitimate law enforcement activity and obtain resentencing for guilty offenders based on general statistical disparity arguments are ongoing.

AB 256 will allow challenges based on decades-old statistical disparities and stale claims of discriminatory language will profoundly undermine the integrity of criminal convictions, impose additional workload on courts and district attorneys, and further shift the focus away from the offender's actual guilt or innocence. This will undermine public safety.

For the reasons stated above, I respectfully request that you veto Assembly Bill 256.

Sincerely,

A handwritten signature in blue ink, appearing to read "James Gallagher", written over a horizontal line.

James Gallagher
Assembly Republican Leader