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California Legislature Approves Assemblymember Kalra's AB 2167 to Encourage Safe Alternatives to Incarceration

SACRAMENTO – Yesterday, AB 2167, authored by Assemblymember Ash Kalra (D-San Jose) passed the California Legislature and will be sent to Governor Newsom. AB 2167 would require courts presiding over a criminal matter to consider alternatives to incarceration which includes, but is not limited to, diversion programs, restorative justice, and probation. Under the bill, judges will retain full judicial discretion as to the final sentence and have the option to incarcerate when necessary to protect public safety.

“For too long, California has defaulted to incarceration as a means of punishment, resulting in disproportionately impacted and torn apart Black and brown communities,” said **Assemblymember Kalra**. “By requiring courts to first consider alternatives to incarceration, AB 2167 shifts California away from an overly punitive process riddled with bias toward more effective, cost-efficient rehabilitation efforts.”

AB 2167 was a recommendation from the Committee on the Revision of the Penal Code, an expert panel that has been rigorously examining the Penal Code since 2020. This measure will allow California to safely reduce the number of people behind bars while investing in smarter alternatives. Reducing the State's incarcerated population is not only a moral issue, but also carries a beneficial fiscal impact. According to the Legislative Analyst Office (LAO), it costs about \$106,000 per year to incarcerate an individual in California prisons. This is in contrast to the cost of other alternatives to incarceration such as probation, which has remained the least costly form of supervision. In 2014, the cost to supervise a person on probation was about \$12 daily versus keeping someone in jail at \$106 per day or in prison at \$164 per day.

“AB 2167 is a smart approach that encourages judges to shift from criminal punishments that are inherently and historically expensive, ineffective, and racist. Instead of continuing to invest in

failures, AB 2167 is a positive change that will help improve public safety outcomes for all, a true win-win situation”, said **Greg Fidell, Policy Director with Initiate Justice**.

Other states already encourage restraint in the use of incarceration, including Alabama, Arkansas, Minnesota, New York, Tennessee, and Federal law. AB 2167 also states it is the intent of the Legislature that sentencing in a criminal case be the least restrictive means available. California law has lacked a clear statement about when incarceration is appropriate and this meaningful addition to the Penal Code will go a long way in decreasing the harms of mass incarceration.

“California's overreliance on incarceration has failed to improve public safety while disproportionately harming vulnerable and marginalized communities. We know that by encouraging alternatives to incarceration, California can continue as a leader on criminal justice reform”, said **Rebecca Gonzales, Director of Government Relations and Political Affairs at the National Association of Social Workers**.

“Incarceration as the default response to every social ill has resulted in warehousing Black and brown people, the poor, and persons suffering from mental illness in overcrowded prisons where there are few opportunities for receiving supportive services,” said **Jim Lindburg, Legislative Director at Friends Committee on Legislation of California**. “With the passage of AB 2167, the Legislature recognizes that alternatives to incarceration can hold people accountable and produce better policy outcomes that keep communities safe while reducing racial inequities.”

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Assemblymember Ash Kalra was first elected to the California Legislature in 2016, representing the 27th District, which encompasses approximately half of San Jose and includes all of downtown. In 2020, he was re-elected to his third term. Assemblymember Kalra is the Chair of the State Assembly Labor and Employment Committee and currently serves as a member on the Housing and Community Development, Judiciary, Transportation, and Water, Parks, and Wildlife committees.