

HAYWARD CITY COUNCIL

RESOLUTION NO. 22 - _____

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE MAYOR TO SIGN LETTERS OF SUPPORT
FOR ASSEMBLY BILL 256 (KALRA), ALSO KNOWN AS THE CALIFORNIA
RACIAL JUSTICE FOR ALL ACT

WHEREAS, racism and racial bias are pervasive and omnipresent in the United States criminal justice system, resulting in well-documented disparities in conviction and sentencing for People of Color, particularly African Americans;

WHEREAS, on April 22, 1987, the US Supreme Court in the case of *McClesky v. Kemp* (No.84-6811) ruled, on a 5-4 vote, that defendants must provide clear evidence of intent or purposeful discrimination in order to challenge a conviction on the basis of the Eighth or Fourteenth Amendments;

WHEREAS, in response to the profound and lasting negative impact of *McClesky v. Kemp*, the California Legislature passed AB 2542, known as the California Racial Justice Act of 2020, prohibiting racial discrimination in seeking or obtaining criminal convictions or sentences in California;

WHEREAS, on September 30, Governor Newsom signed the California Racial Justice Act of 2020 into law;

WHEREAS, the prohibitions on racial discrimination enacted in the California Racial Justice Act of 2020 applied only to judgements rendered on or after to January 1, 2021;

WHEREAS, AB 256 (Kalra), the California Racial Justice Act for All, would extend the protections provided by the California Racial Justice Act to those impacted by unfair convictions or sentences prior to January 1, 2021, and;

WHEREAS, AB 256 reflects and is consistent with the City's commitment to combating institutional racism and implicit bias.

NOW, THEREFORE, BE IT RESOLVED that the Hayward City Council hereby authorizes the Mayor to sign and transmit to legislators letters of support for AB 256, the California Racial Justice Act for All.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2022

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
 MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
 City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward