

# Senate Bill 775 and What It Means for California Inmates

October 2021, California's Governor, Governor Newsom, signed [Senate Bill 775 \(SB 775\)](#) into law.

SB 775 is directly related to Bill [SB 1437](#). Which changes how felony Before the passage of SB 775, SB 1437 prevented prosecutors from charging someone with felony murder if they were "not the actual killer, did not act with the intent to kill, or was not a major participant in the underlying felony who acted with reckless indifference to human life."

However, SB 1437 left inmates convicted of attempted murder or manslaughter without any means to challenge their convictions. Even worse, SB 1437 left out individuals who were facing homicide convictions (first- or second-degree homicide) and opted to comply with prosecutors by taking a plea deal to a lesser offense.

SB 775 modifies SB 1437, potentially allowing relief to defendants charged with "Attempted Homicide" or "Manslaughter."

## What Is SB 775?

**SB 775:** The bill extends relief under SB 1437 when the prosecution proceeded on a theory of felony murder or murder under the natural and probable consequences doctrine. SB 775 includes those convicted of attempted murder under the natural and probable consequences doctrine as well as those convicted of manslaughter.

However, SB 1437 still allowed for someone tangentially involved in a crime resulting in a killing but wasn't aware or actually involved in the killing to be prosecuted for murder based on their participation in the underlying crime that led to the killing.

Problems with SB 1437 is that it failed to consider the practical realities of facing a California homicide charge.

Defendants who were present / participated in a felony but whose conduct did not result in the loss of life may plead guilty to a lesser offense rather than facing charges of felony murder at trial.

However, by doing so, these defendants remove themselves from the class of people whom SB 1437 applies, effectively insulating their case from SB 1437 relief.

Under SB 775, anyone convicted of felony murder, attempted murder, or manslaughter but was not a “major participant who acted with reckless indifference to human life” may petition the court for a resentencing hearing.