

June 4, 2020

California Criminal Sentencing Parole, and DNA Collection (2020)

In the wake of everything that is happening in the United States and California, we CANNOT take our eyes off of the November 3, 2020 election. So many important elections and decisions face us as Californians and Americans. 2020 must close with victories for “common sense” and Republican values which we share and love.

The **California Criminal Sentencing Parole, and DNA Collection Initiative** is on the ballot in California as an initiated state statute.

Initiative Statute

Restricts Parole for Non-Violent Offenders. Authorizes Felony Sentences for Certain Offenses Currently Treated Only as Misdemeanors.

Ballot Text

Restricts Parole for Non-Violent Offenders. Authorizes Felony Sentences for Certain Offenses Currently Treated Only as Misdemeanors. Initiative Statute. Imposes restrictions on parole program for non-violent offenders who have completed the full term for their primary offense. Expands list of offenses that disqualify an inmate from this parole program. Changes standards and requirements governing parole decisions under this program. Authorizes felony charges for specified theft crimes currently chargeable only as misdemeanors, including some theft crimes where the value is between \$250 and \$950. Requires persons convicted of specified misdemeanors to submit to collection of DNA samples for state database.

A "yes" vote supports this initiative to add crimes to the list of violent felonies for which early parole is restricted; recategorize certain types of theft and fraud crimes as wobblers (chargeable as misdemeanors or felonies); and require DNA collection for certain misdemeanors.

A "no" vote opposes this initiative to add crimes to the list of violent felonies for which early parole is restricted; recategorize certain types of theft and fraud crimes as wobblers (chargeable as misdemeanors or felonies); and require DNA collection for certain misdemeanors.

Support

Keep California Safe is leading the campaign in support of the ballot initiative. *Keep California Safe* named the ballot initiative *Reducing Crime and Keeping California Safe Act*. The campaign is a project of the *California Public Safety Partners (CAPSP)*.

Background

The ballot initiative was designed to amend several criminal sentencing and supervision laws previously passed in response to the U.S. Supreme Court's ruling that overcrowding in the state's prisons resulted in cruel and unusual punishment and affirmed a lower court's order to reduce the prison population:

[AB 109](#) (passed in 2011)

Shifted imprisonment of non-serious, non-violent, and non-sexual offenders, as defined in state law, from state prisons to local jails. Made counties, rather than the state, responsible for supervising certain felons on parole.

[Proposition 47](#) (passed in 2014)

Changed several crimes, which the measure considered non-serious and non-violent, from felonies or wobblers to misdemeanors. These include drugging and raping somebody, raping a developmentally disabled person, spousal abuse, a drive-by shooting, human trafficking of a child and others.

[Proposition 57](#) (passed in 2016)

Increased parole chances for felons convicted of nonviolent crimes, as defined in state law, and gave them more opportunities to earn sentence-reduction credits for good behavior.

Goal

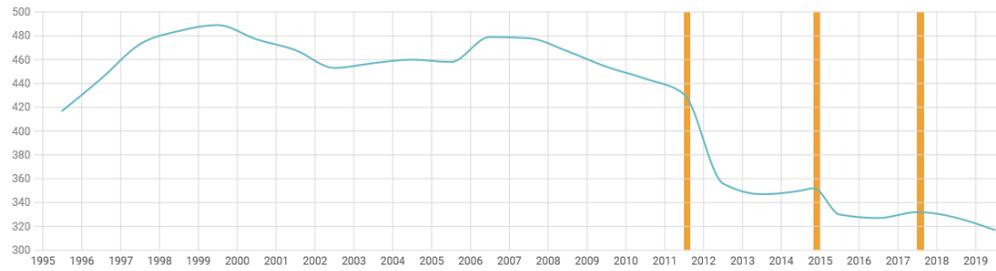
Reform the unintended consequences of 2011-2016 reforms, to better protect the public.

As a scientist I am known to be driven by facts and data. The following data captured my interest and shows the impact of the consequences of AB 109 and Propositions 47 and 57.

California's state imprisonment rate

Prior to the enactment of AB 109's Post-release Community Supervision Act (PCSA) on July 1, 2011, the state's imprisonment rate was 431 inmates per 100,000 residents. The next year the imprisonment rate was 356 inmates per 100,000 residents. In 2019, the rate fell to 317 inmates. The following graph illustrates the state's imprisonment rate from 1995 through 2019. Rates were calculated using the CDCR's prison population reports and the U.S. Census Bureau's annual population estimates.

- The first orange bar represents the enactment of AB 109's PCSA on July 1, 2011.
- The second orange bar represents the enactment of Proposition 47 following the election on November 4, 2014.
- The third orange bar represents July 1, 2017—the date when the CDCR started referring inmates for Proposition 57's parole program.



From 2011 until 2019 there was a greater than a 26 percent drop in the prison population. Do we believe that all of those offenders were rehabilitated and are now law-abiding citizens? I would guess “not”. Many were back on the streets committing crimes that are no longer punished with prison time.

AB109, Proposition 47 and 57 decreased the prison population and placed criminals back on California streets. The **California Criminal Sentencing Parole, and DNA Collection Initiative** seeks to correct the problem that they created.

LET'S CORRECT THE WRONGS AND SUPPORT THIS INITIATIVE.

Fiscal Impact

Increased state and local correctional costs likely in the tens of millions of dollars annually, primarily related to increases in penalties for certain theft-related crimes and the changes to the nonviolent offender release consideration process. Increased state and local court-related costs of around a few million dollars annually related to processing probation revocations and additional felony theft filings. Increased state and local law enforcement costs not likely to exceed a couple million dollars annually related to collecting and processing DNA samples from additional offenders.

Although there is a potential fiscal impact, let's spend our tax payers money on something that truly supports hard working tax payers.

Support – to name a few

Los Angeles Police Protective League
Orange County Board of Supervisors

Opposition

Jerry Brown
American Civil Liberties Union of Northern California

More detail can be found at:

[https://ballotpedia.org/California_Criminal_Sentencing,_Parole,_and_DNA_Collection_Initiative_\(2020\)#.XpZBSXUsYDo.ema il](https://ballotpedia.org/California_Criminal_Sentencing,_Parole,_and_DNA_Collection_Initiative_(2020)#.XpZBSXUsYDo.ema il)