

PROPOSITION 20:

RESTRICTS PAROLE FOR NON-VIOLENT OFFENDERS. AUTHORIZES FELONY SENTENCES FOR CERTAIN OFFENSES CURRENTLY TREATED AS MISDEMEANORS. Initiative Statute.

Secretary of State Ballot Summary:

- 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.

Background:

Felony offenders who have current or prior convictions for serious, violent, or sex crimes can be sentenced to state prison. Felony offenders who have no current or prior convictions for serious, violent, or sex offenses are typically sentenced to county jail or the supervision of a county probation officer in the community, or both. Depending on the discretion of the judge and what crime was committed, some felony offenders who do have such convictions can receive similar sentences.

Offenders convicted of misdemeanors may be sentenced to jail, county community supervision, a fine, or some combination of these. Misdemeanor offenders are generally sentenced to shorter periods of incarceration and lower levels of community supervision. Some crimes—such as unauthorized taking of a vehicle—can be charged as either a felony or a misdemeanor. These crimes are known as “wobblers.”

In 2011, the U.S. Supreme Court ruled that overcrowding in California’s prisons resulted in cruel and unusual punishment and affirmed an order to reduce the state prison population. AB 109, which passed a month before the ruling, shifted the imprisonment of non-serious, non-violent, and non-sexual offenders from state prisons to local jails. AB 109 also made counties, rather than the state, responsible for supervising certain felons on parole.

A pair of criminal justice reform initiatives sought to reform the system as well as reduce the prison population and promote rehabilitation and reduce recidivism. Proposition 47 (2014) changed non-serious and non-violent crimes from felonies or wobblers to misdemeanors. Proposition 57 (2016) increased parole chances for felons convicted of nonviolent crimes and gave them more opportunities to earn sentence-reduction credits for good behavior. The Federation supported both of these Propositions.

Legislative Analyst and Director of Finance estimate of 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

Support and Opposition:

Supporters include crime victims, law enforcement organizations, retail stores and elected officials. They argue that this Proposition is necessary to fix the flawed criminal justice reforms in recent years that are fueling a dramatic rise in overall crime in the state. Grocery and retail stores contend that serial theft at their stores rose after Prop. 47 and is costing them money in lost merchandise and security costs. Supporters also contend that recent reforms have left habitual parole violators on the street and have prevented the collection of DNA which leaves many serious crimes unsolved.

Opponents include former Governor Jerry Brown, the ACLU and SEIU. Opponents argue that recent criminal justice reforms have reduced mass incarceration and put inmates on a path to rehabilitation, all while keeping crime rates down. They say this measure will result in increased prison costs of tens of millions of dollars a year, which state and local governments can ill-afford. The measure will take money away from schools, job training programs and other services that help keep people out of prison in the first place, creating a vicious cycle resulting in a return to mass incarceration, prison overcrowding and another criminal justice crisis.

Prior Positions:

The Federation took a support position on Proposition 47 (2014) that changed non-serious and non-violent crimes from felonies or wobblers to misdemeanors and a support on Proposition 57 (2016) that increased parole chances for felons convicted of nonviolent crimes and gave them more opportunities to earn sentence-reduction credits for good behavior.

A YES vote on this measure means:

Voters approve adding 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 on this measure means:

Voters oppose adding crimes to the list of violent felonies for which early parole is restricted and the other proposed changes.