



CALIFORNIA 2016
BALLOT BACKGROUNDER

Proposition **57**
Criminal Sentences

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Purpose

Proposition 57 would give non-violent felons greater opportunities for early release and parole. It also would give judges, rather than prosecutors, power to decide whether to try juveniles in adult court.

Background

From the 1980s to the early 2000s, Californians responded to rising crime rates by approving “tough-on-crime” initiatives that aimed to put convicted offenders behind bars for longer terms. These measures included Proposition 184 of 1994, the “Three Strikes and You’re Out” sentencing law, as well as Proposition 21 of 2000, which gave prosecutors power to try juveniles in adult court. After the 1980s, crime rates declined, but at a cost. Even as state spending on corrections grew, prisons struggled with overcrowding. In 2009, a federal court ordered California to reduce its prison population. Some non-violent felons became eligible for parole consideration when they had served half of their sentence. Meanwhile, a grassroots movement emerged demanding that the state reduce the number and length of prison sentences, especially for non-violent offenders. Opponents of this movement say that shortening criminal sentences will invite more crime.

California has pursued several policy changes to reduce its state prison population. In 2011, the Legislature adopted a policy of “realignment” which authorized the assignment of non-violent, non-serious offenders to county jails rather than state prison. A second change was introduced in 2014 through Proposition 47, an initiative that reduced non-violent, non-serious property and drug crimes from felonies to misdemeanors. Prop 47 has diverted many new offenders from state prison and allowed some current inmates to seek resentencing and early release under the new rules.

According to the California Department of Corrections and Rehabilitation, the state’s total adult institution population has declined from a peak of 173,000 in 2007 to 129,000 in 2016.¹

This year, Gov. Jerry Brown was able to place on the ballot Proposition 57, another initiative designed to reduce the state’s prison population. Proposition 57 would give non-violent felons greater opportunities for early release and parole, and give judges, rather than prosecutors, power to decide whether to try juveniles in adult court. Neither Prop. 57 nor existing state law defines what offenders qualify as non-violent. Prop. 57 would also require that juveniles be tried in adult court only after a hearing and determination by a juvenile court judge. Currently, relatively few juveniles are sent to adult court; in 2015 less than 600 were sent to adult court, 100 of whom were sent to adult court at the discretion of a judge.

Existing Law

Existing law limits opportunities for early release or parole for non-violent felons. Currently, about two-thirds of California prisoners are eligible for early release credits, but about one-half of those inmates are only eligible to reduce their sentences by 15 percent because they have been convicted of a violent crime.

Existing law also allows prosecutors determine whether to try juveniles 14 years old or older in adult court based on the seriousness of a crime or a juvenile’s criminal history. Some juveniles are automatically tried in adult court for crimes including murder and some sexual crimes.

¹http://www.cdcr.ca.gov/Reports_Research/Offender_Information_Services_Branch/Projections/S16Pub.pdf

Proposed New Law

Prop. 57 would amend the California Constitution and state statutes to:

- Increase parole chances for felons convicted of non-violent crimes. It also would give those same felons the opportunity to earn more credits for good behavior and educational attainment
- Require that juveniles be tried in adult court only after a hearing and determination by a juvenile court judge.

As of September 2015, approximately 30,000 inmates would be affected by the parole consideration provisions of the measure. In addition, about 7,500 of the offenders admitted to state prison each year would be eligible for parole consideration under the measure.²

Fiscal Impact

The Legislative Analyst estimates that Prop. 57 likely would save the state tens of millions of dollars annually, primarily as a result of reductions in the prison population. The measure likely would increase county costs by a few million dollars annually, due to increased caseloads of county probation departments.

Supporters

Governor Jerry Brown is the leading proponent and funder of Prop 57. Other supporters include former Republican Speaker of the House of Representatives Newt Gingrich, Los Angeles Police Chief Charlie Beck, the California State Law Enforcement Association, various Democratic elected officials, and the California Democratic Party.

Arguments of Supporters

Prop. 57 supporters argue the measure would:

- Address the prison overcrowding crisis
- Save taxpayer dollars by reducing spending on prisons

² <http://voterguide.sos.ca.gov/en/propositions/57/analysis.htm>

PROPOSITION 57—CRIMINAL SENTENCES

- Keep the most dangerous offenders locked up and promote rehabilitation of non-violent offenders

Opponents

Opponents include 50 of the state's 58 district attorneys, 26 sheriffs, many law enforcement associations, and numerous Republican elected officials.

Arguments of Opponents

Opponents of Prop. 57 argue the measure would:

- Result in higher crime rates
- Apply not only to non-violent offenders, but also to violent criminals
- Overturn key-provisions of voter-approved victims' rights legislation

Campaign Finance

As of September 2016, the campaign for Prop. 57 had raised \$7,826,990, and the opposition campaign had raised \$129,848.³ Five PACs have registered to support Prop. 57 and one PAC is registered in opposition of Prop 57. The five largest donors to the Yes on Prop. 57 campaign are Governor Brown's Ballot Measure Committee, the California Democratic Party, Reed Hastings, CEO of Netflix, the California State Council of Service Employees Issues Committee, and the United Brotherhood of Carpenters and Joiners of America.

Conclusion

Voting Yes on Prop 57 would promote early release for some offenders convicted of non-violent crimes and would allow judges, not prosecutors, to decide whether to try certain juvenile offenders as adults in court.

Voting No on Prop 57 would reject these proposed changes to the state's criminal law.

For more information on Proposition 57, visit:

www.roseinstitute.org

www.vote4prop57.org

www.stop57.com

³ <http://www.sos.ca.gov/campaign-lobbying/cal-access-resources/measure-contributions/proposition-57-criminal-sentences-juvenile-criminal-proceedings-and-sentencing-initiative-constitutional-amendment-and-statute/>