

# Proposition 20

## Increased Penalties for Some Crimes, Revised Process for Early Release of Certain Inmates

Research Assistant: Maya Ghosh '22

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### Purpose

Proposition 20 would make four changes to criminal justice statutes. It would increase penalties for certain theft-related crimes, change how people released from prison are supervised in the community, change the process considering the release of inmates from prison, and expand DNA collection by requiring law enforcement to collect DNA from adults convicted of certain misdemeanors.

### Background

In recent years, California has enacted a number of measures in an effort to reduce the state's prison population. AB 109 (2011) was a sweeping measure that shifted responsibility for certain offenders from the state prisons to county jails.<sup>1</sup> Proposition 47 (2014) reclassified certain theft-related and drug crimes from felonies to misdemeanors. It authorized defendants currently serving sentences for those offenses to petition courts for resentencing under the new misdemeanor provisions and authorized defendants who have completed their sentences to apply to reclassify those convictions to misdemeanors.<sup>2</sup> Proposition 57 (2016) increased parole chances for felons convicted of nonviolent crimes and gave them more opportunities to earn credits for good behavior. It also allowed judges, rather than prosecutors, to decide whether to try certain juveniles as adults in court.<sup>3</sup>

Three victim-advocacy groups, Crime Survivors, Inc., Crime Victims United of California, and Crime Victims Alliance, put Propositions 20 on the ballot to counter some of the effects of AB 109, Proposition 47, and Proposition 57. Assemblyman Jim Cooper (D-Elk Grove) stated that the

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<sup>1</sup>California Legislative Information, "Assembly Bill No. 109,"

[https://leginfo.ca.gov/faces/billNavClient.xhtml?bill\\_id=201120120AB109](https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201120120AB109)

<sup>2</sup>California Courts, Proposition 47: The Safe Neighborhoods and Schools Act,"

<https://www.courts.ca.gov/prop47.htm>

<sup>3</sup>Legislative Analyst's Office, "Proposition 57. Criminal Sentences. Juvenile Criminal Proceedings and Sentencing Initiative Constitutional Amendment and Statute.," n.d.,

<https://lao.ca.gov/BallotAnalysis/Propositions?date=November+08%2C+2016&propNumber=57&searchTerm=>

goal of Proposition 20 is to "[change] the unintended consequences of reforms to better protect the public."<sup>4</sup>

### Proposal

Proposition 20 has four major provisions. It would:

1. Increase criminal penalties for some theft-related crimes by defining two new crimes, serial theft and organized retail theft, and allow certain crimes that had been classified as misdemeanors by Prop 47 to be punished as felonies.
2. Change several state parole and Post-Release Community Supervision (PRCS) practices. It would require, for example, probation officers to ask a judge to change the terms of supervision for people on PRCS on the third violation of the terms.
3. Change the release consideration process established by Prop 57. Among these changes, it would exclude inmates convicted of some types of assault and domestic violence from the Prop 57 release process, deny release to inmates who pose an unreasonable risk of committing felonies that result in victims, and require inmates denied release to wait two years (rather than one) before reconsideration. It also would give victims reasonable notice of inmate's release and the right to submit a confidential statement to the Board of Parole Hearings.
4. Expand DNA collection to include adults convicted of certain misdemeanors such as shoplifting, forging checks, and some domestic violence offenses.

### Fiscal Impact

According to the Legislative Analyst's Office (LAO), Proposition 20 would have various effects on state and local governments, but the size of those effects would depend on several factors.<sup>5</sup> The LAO estimates that expanding county jail populations and levels of community supervision would likely increase state and local correctional costs by tens of millions of dollars annually. The LAO also estimates that state and local court-related costs could increase by more than several million dollars annually.

### Supporters

Supporters include:

- Crime Survivors, Inc.
- Crime Victims United of California
- Crime Victims Alliance
- Keep California Safe
- Orange County Board of Supervisors
- Albertsons Safeway

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<sup>4</sup> Ballotpedia, "California Proposition 20, Criminal Sentencing, Parole, and DNA Collection Initiative (2020)," [https://ballotpedia.org/California\\_Proposition\\_20,\\_Criminal\\_Sentencing,\\_Parole,\\_and\\_DNA\\_Collection\\_Initiative\\_\(2020\)](https://ballotpedia.org/California_Proposition_20,_Criminal_Sentencing,_Parole,_and_DNA_Collection_Initiative_(2020))

<sup>5</sup> Legislative Analyst's Office, "Proposition 20: Analysis of Measure," <https://lao.ca.gov/BallotAnalysis/Proposition?number=20&year=2020>.

- Peace Officers Research Association of California
- Association for Los Angeles Deputy Sheriffs
- Los Angeles Police Protective League

As of September 19, 2020, supporters raised approximately \$4.9 million in total contributions, almost all from the Yes on 20 - Keep California Safe political action committee. The California Correctional Peace Officers is the largest contributor at \$4.2 million dollars.<sup>6</sup>

### Arguments of Supporters

Supporters say Prop 20 would:

- Prevent the early release of violent offenders and sexual predators by defining 22 crimes – including assault with a deadly weapon, date rape, and selling children for sex—as violent felonies for purposes of early release, and by requiring that victims be notified when their assailants are set free.
- Not send new people to prison, but instead, require certain violent criminals to complete their full sentences.
- Provide additional protection against violent crime by allowing DNA collection from persons convicted of theft or drug offenses, which multiple studies show helps solve more serious and violent crimes like rape, robbery, and murder.
- Strengthen sanctions against serial theft by habitual criminals—to help stop car break-ins, shoplifting, home burglaries, and other major theft.<sup>7</sup>

### Opponents

Opponents include:

- Former governor Jerry Brown (D)
- SEIU California State Council
- California Labor Federation
- Chief Probation Officers of California
- ACLU of Northern California
- Crime Survivors for Safety and Justice
- California Partnership to End Domestic Violence

Opponents say Proposition 20 would increase penalties for low-level offenses that are disproportionately imposed on Black, Latino, and Indigenous Californians. Additionally, opponents argue that Prop 20 would adversely affect a criminal’s rehabilitation process, as it would prevent these men and women from reintegrating into society. Others oppose Proposition 20 because it will contribute to overcrowding in prisons.<sup>8</sup>

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<sup>6</sup> Ballotpedia, “Proposition 20.”

<sup>7</sup> California Secretary of State, “Official Voter Information Guide California General Election 2020,” <https://voterguide.sos.ca.gov/>

<sup>8</sup> California Secretary of State, “Voter Guide.”

As of September 19, 2020, opponents raised approximately \$5.6 million in total contributions. Patty Quillin (\$2 million) and the Chan Zuckerberg Initiative (\$1.25 million) are the largest donors.<sup>9</sup>

### **Arguments of Opponents**

Opponents say Prop 20 would:

- Roll back effective criminal justice reforms and waste money on prisons.
- Potentially result in a felony charge for petty theft like stealing a bike.
- Result in more teenagers and people of color in prison for low-level, non-violent crimes.
- Not make our communities safer.

### **Conclusion**

Voting YES on Prop 20 means people who commit certain theft-related crimes could receive increased penalties. Additional factors would be considered for the state's process for releasing certain inmates from prison early. Law enforcement would be required to collect DNA samples from adults convicted of certain misdemeanors.

Voting NO on Prop 20 means penalties for people who commit certain theft-related crimes would not be increased. There would be no change to the state's process for releasing certain inmates from prison early. Law enforcement would continue to be required to collect DNA samples from adults only if they are arrested for a felony or required to register as sex offenders or arsonists.

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<sup>9</sup> Ballotpedia, "Proposition 20."