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Your Responsibility When Using the Information Provided Below:

When we wrote this information we did our best to give you useful and accurate information because we know that prisoners often have difficulty obtaining legal information and we cannot provide specific advice to all the prisoners who request it. The laws change frequently and are subject to differing interpretations. We do not always have the resources to make changes to the information we send every time the law changes. If you use this information it is your responsibility to make sure that the law has not changed and is applicable to your situation. Most of the information you need should be available in your institution law library.

INFORMATION RE:

CRIMINAL JUSTICE REFORM INITIATIVES FOR THE NOVEMBER 2016 BALLOT (Governor Brown's Initiative, Three Strikes Reform Initiative, and Death Penalty Initiatives)

Updated October 6, 2016

We have received your letter asking for information in regards to pending criminal justice initiatives. We are unable to write individual responses to everyone who has contacted us about the initiatives. We cannot send you copies of the initiatives; the full text of the initiatives is available on the California Attorney General's website at <https://oag.ca.gov/initiatives>. We hope that the information in this letter will help answer your questions.

(1) Proposition 57 - Governor Brown's Public Safety and Rehabilitation Act Initiative

In late January 2016, Governor Brown announced a criminal justice reform initiative. The Governor said the initiative, if it becomes law, would help keep California's prison population within court-mandated levels and give some prisoners an incentive for rehabilitation. The official title of the initiative is "Criminal Sentences, Juvenile Criminal Proceedings and Sentencing, Initiative Constitutional Amendment and Statute"; *The initiative will be on the November ballot, but will not take effect unless a majority of the voters approve it at the election.* The initiative has three main parts:

- The initiative authorizes parole consideration for any person convicted of a non-violent felony offense and sentenced to state prison after completing the full term for his or her primary offense. The full term for the primary offense means the longest term imposed by the court for any offense, excluding enhancements, consecutive sentences, or alternative sentences.

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- The initiative provides that the CDCR shall “have authority to award credits earned for good behavior and approved rehabilitative or educational achievements,” “adopt regulations in furtherance of these provisions,” and “certify that these regulations protect and enhance public safety.” It is not clear what this means and whether there would actually be any changes in prison credits, or what changes there would be.
- The initiative would eliminate laws that require some teenagers accused of very serious crimes to be prosecuted in adult criminal court. Judges, rather than prosecutors, would continue to have the authority to decide when teenagers are tried as adults. The initiative does not include any specific statement as to whether the change would or would not have any retroactive application.

We have no other information at the present time about which prisoners would be affected or how the initiative would be carried out if the voters approve the initiative.

(2) The “Choose 1” Three Strikes Reform Act of 2016 Initiative

In October 2015, organizers submitted a proposed initiative to reform the three strikes law. The initiative proposed various changes to the law, including forbidding prosecutors from using convictions that predated the 1994 law as strikes and taking some crimes (such as burglary of an unoccupied building or making criminal threats) off the lists of offenses that count as strikes. Unfortunately, as of April 28, 2016, the initiative failed to meet the deadline for gathering enough signatures. As a result, the initiative did not qualify for the November 2016 ballot and will NOT be voted on. Thus, it will NOT change anything in the Three Strikes Law.

(3) The Death Penalty Reform Initiatives (There are two competing initiatives.)

Proposition 62: “Justice that Works Act of 2016” proposes to eliminate the death penalty entirely. The official title is “Death Penalty. Initiative Statute.” This initiative would apply retroactively so that any prisoner serving a death sentence would automatically be resentenced to a term of life without the possibility of parole (LWOP). The initiative would *not* affect any other sentences or reduce the sentences of prisoners who are already serving LWOP terms.

Prop 66: “Death Penalty Reform and Savings Act of 2016” is sponsored by people who want to speed up executions. The official title is “Death Penalty. Procedures. Initiative Statute.” The initiative proposes new rules that would expand the group of attorneys who are appointed to handle death penalty appeals, impose deadlines to move death penalty appeals through the courts faster, and limit petitions for writ of habeas corpus in death penalty cases.

These initiatives will be on the November ballot, but will not take effect unless a majority of voters approve one or the other in the November 2016 election. If both death penalty reform initiatives pass, the one with the most votes will go into effect.