



## CAPITOL BEAT

# The Reducing Crime and Keeping California Safe Act

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Two of the 10 most dangerous cities in the nation are in California — yet we continue to see criminal justice reforms being passed that lessen sentences, allow for early release and put public safety at risk.

Props 47, 57 and AB 109, combined, have released tens of thousands of inmates, straining local jails and fueling a new surge in local crime and homelessness. They have also limited DNA collection and redefined criminal theft, costing millions to business owners and consumers. PORAC opposed all three reforms. We can agree that because of these acts, there are more serious flaws in our current criminal justice system than ever before.

Under current law, rape of an unconscious person, trafficking a child for sex, assault of a peace officer, felony domestic violence and other similar crimes are no longer classified as violent felonies, making criminals convicted of these crimes eligible

for early release. The release of these criminals without meeting the mental health, drug rehabilitation and reformatory needs of the individuals often leads to homelessness and the continuous cycle of criminal behavior.

On October 30, a statewide ballot measure was filed with the Secretary of State in an attempt to fix the problems brought forth by recent criminal justice reforms. The initiative is sponsored by the California Public Safety Partnership (CAPSP), an alliance of law enforcement, public safety leaders, crime victims, child advocates and business leaders.

Specifically, the initiative takes action against crime on four fronts:

1) **Expands the violent crimes list for early release parole consideration.**

Added crimes include:

- Human trafficking of a child
- Abducting a minor for prostitution
- Rape by intoxication
- Rape of an unconscious person
- Felony sexual penetration, sodomy or oral copulation when drugs are used or the victim is unconscious
- Drive-by shooting or shooting on foot at an inhabited dwelling or vehicle
- Felony domestic violence

- Felony assault with a deadly weapon
- Solicitation to commit murder
- Felony assault using force likely to produce great bodily injury
- Assault with a caustic chemical
- False imprisonment/taking a hostage when avoiding arrest or for use as a shield
- Felony resisting a peace officer, causing death or serious injury
- Exploding a bomb to injure people
- Felony hate crime
- Any felony where it is pled and proven that the defendant personally used a deadly weapon
- Any crime with lifetime PC 290
- Felony use of force or threats against a witness or victim of a crime
- Felony elder or dependent adult abuse

This act also changes the standard of parole review from “Does inmate pose a danger to commit violence?” to “Does the inmate pose an unreasonable risk of creating victims as a result of felonious conduct if released from prison?”

2) **Reinstates DNA collection for certain crimes that were reduced to misdemeanors under Prop 47.**

Multiple studies have shown that DNA collected from theft and drug offenders helps solve cases of rape, murder and other violent crimes. But since the passage of Prop 47, cold-case hits have fallen dramatically.

3) **Makes serial theft a felony for offenders convicted of a third theft of property valued at \$250 or more.** Prop 47 reduced to a misdemeanor theft under \$950, and failed to account for thieves who steal repeatedly, which has spawned

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It is a felony to make a false Workers' Compensation claim. Subject to up to 5 years in prison and/or a fine up to \$50,000 or double the value of the fraud, whichever is greater.

# **PORAC SPONSOR, ACTIVE SUPPORT AND ACTIVE OPPOSE BILLS FOR THE 2017-2018 LEGISLATIVE SESSION**

Revised November 8, 2017

BILL NO.	AUTHOR	SUBJECT OF LEGISLATION	POSITION	LOCATION
AB 186	Eggman (D-Stockton)	Controlled substances: safer drug consumption program	Active Oppose	Two-year bill
AB 284	McCarty (D-Sacramento)	Department of Justice: officer-involved shootings — report	Active Oppose	Two-year bill
AB 359	Jones-Sawyer (D-Los Angeles)	In-custody informants	Active Oppose	Two-year bill
AB 459	Chau (D-Arcadia)	Public records: body-worn cameras	Active Support	Chaptered
AB 512	Rodriguez (D-Pomona)	Public employees' retirement: safety members — industrial disability retirement	Active Support	Chaptered
AB 530	Cooper (D-Elk Grove)	Public employment: collective bargaining — peace officers	Active Support	Vetoed
AB 748	Ting (D-San Francisco)	Peace officers: body-worn cameras	Active Oppose	Two-year bill
AB 887	Cooper (D-Elk Grove)	Public safety officers: investigations and interviews	Active Support	Two-year bill
AB 1024	Kiley (R-El Dorado Hills)	Grand juries: peace officers — proceedings	Active Support	Chaptered
AB 1028	Bocanegra (D-San Fernando)	Workers' compensation	Sponsor	Two-year bill
AB 1116	Grayson (D-Concord)	Peer Support and Crisis Referral Services Act	Active Support	Two-year bill
AB 1298	Santiago (D-Los Angeles)	Public safety officers: procedural rights	Active Support	Two-year bill
AB 1408	Calderon (D-Whittier)	Crimes: supervised release	Active Support	Vetoed
AB 1428	Low (D-Campbell)	Peace officers: transparency	Sponsor	Two-year bill
AB 1459	Quirk-Silva (D-Fullerton)	Murder: punishment	Active Support	Chaptered
AB 1487	Rodriguez (D-Pomona)	Public Employees' Retirement System: limited-term appointments	Active Support	Chaptered
AB 1595	Gallagher (R-Nicolaus)	Theft: burglary — natural or manmade disasters	Sponsor	Two-year bill
SB 10	Hertzberg (D-Van Nuys)	Bail: pretrial release	Active Oppose	Two-year bill
SB 21	Hill (D-San Mateo)	Law enforcement agencies: surveillance — policies	Active Oppose	Two-year bill
SB 54	De León (D-Los Angeles)	Law enforcement: sharing data	Active Oppose	Chaptered
SB 65	Hill (D-San Mateo)	Vehicles: alcohol and marijuana — penalties	Active Support	Chaptered
SB 226	Hertzberg (D-Van Nuys)	Political Reform Act of 1974: slate mailers	Active Support	Chaptered
SB 599	Portantino (D-La Cafiada Flintridge)	Public Employees' Medical and Hospital Care Act — Peace Officers Research Association of California Insurance and Benefits Trust	Sponsor	Vetoed
SB 687	Skinner (D-Berkeley)	Health facilities: emergency services — Attorney General	Active Support	Vetoed
SB 805	Galgiani (D-Stockton)	School expulsions	Sponsor	Two-year bill

For more detailed legislative information, visit [porac.org/advocacy/legislation-overview](http://porac.org/advocacy/legislation-overview).

an epidemic of shoplifting costing California's retailers, small and large, an estimated \$1 billion.

- 4) **Requires a mandatory hearing to determine whether parole should be revoked for any parolee who violates the terms of their parole for the third time.** Currently, parolees can violate parole repeatedly with little consequence. AB 109 bases parole solely on an offender's

commitment offense, resulting in the release of inmates with serious and violent criminal histories. Moreover, parolees who repeatedly violate the terms of their parole currently face few consequences, allowing them to remain on the street. In February 2017, just 10 days after being paroled, Michael Mejia shot and killed veteran Whittier Police Officer Keith Boyer in a gun battle.

Mejia had a long criminal history and had been arrested five times in the seven months leading up to Officer Boyer's death. This tragedy could have been avoided.

PORAC assisted in initial research in the Reducing Crime and Keeping California Safe Act of 2018 and has been meeting with stakeholders, but at the time this article was written has not taken an official position on the 2018 initiative. ☆