

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

759



FROM: Executive Office

SUBMITTAL DATE:
April 16, 2015

SUBJECT: Letters of Support for Changes to Proposition 47

RECOMMENDED MOTION: That the Board of Supervisors:

1. Support AB 150, SB 333, AB 1415, AB 390, SB 205

BACKGROUND:

Summary

Proposition 47 passed by the voters in November 2014, changed the sentencing guidelines for specific crimes. The proposition mainly targeted drug offenses but was fairly broad in scope.

Specifically the proposition:

1. Reduced the Classification of most "non-serious and non-violent property and drug crimes" from a felony to a misdemeanor.
2. Mandate misdemeanors instead of felonies for "non-serious, non-violent crimes", unless the defendant has prior convictions for murder, rape, certain sex crimes or certain gun crimes.

Brian Nestande

Brian Nestande
Deputy County Executive Officer

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$	\$	\$	\$	Consent <input type="checkbox"/> Policy <input type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	

SOURCE OF FUNDS:

Budget Adjustment:

For Fiscal Year:

C.E.O. RECOMMENDATION:

APPROVE

BY: *George A. Johnson*

George A. Johnson

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Benoit, seconded by Supervisor Tavaglione and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Washington, Benoit and Ashley
Nays: None
Absent: None
Date: April 28, 2015
xc: E.O.

Kecia Harper-Ihem
Clerk of the Board
By: *Kecia Harper-Ihem*

Deputy

Prev. Agn. Ref.:

District: All

Agenda Number:

3-44

- A-30
- Positions Added
- 4/5 Vote
- Change Order

Departmental Concurrence

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BACKGROUND:

Summary (continued)

3. Created a Safe Neighborhoods and Schools Fund. The fund will receive appropriations based on savings accrued by the state during the fiscal year, as compared to the previous fiscal year, due to the initiative's implementation. Estimates range from \$150 million to \$250 million per year.
4. Distributed funds from the Safe Neighborhoods and Schools Fund as follows: 25 percent to the Department of Education, 10 percent to the Victim Compensation and Government Claims Board and 65 percent to the Board of State and Community Correction.

Like many initiatives, propositions and laws, there have been some unforeseen and possible unintended consequences. In the opinion of many legislators there are some offenses that should not be classified as only misdemeanors but rather allow prosecutors options in the charges brought forth. In one bill, Legislators seek to correct an oversight in the drafting of the proposition and another bill expands the collection of DNA. One bill provides for a comprehensive review of the proposition. By adopting these bills, many believe perpetrators will be held more accountable for the crimes they have committed and our communities will be safer.

AB 150 (Melendez): This bill amends Proposition 47 and becomes effective only when submitted to and approved by the voters. The legislation declares that the theft of a firearm is grand theft in all cases, punishable by imprisonment in state prison for 16 months, two years or three years. Every person who buys or receives a stolen firearm is guilty of an alternate felony/misdemeanor offense punishable by imprisonment in the county jail for a period of not more than one year, or by imprisonment in the county jail pursuant to realignment.

SB 333 (Galgiani): This bill would increase the penalty for first time possession of a "date rape" drug (Ketamine, GBH, and Rohypnol) from a misdemeanor to misdemeanor/felony, subject to approval by the voters in the next statewide election. By giving more discretion to prosecutors, the intent is to help stop sexual assaults particularly on college campuses.

AB 1415 (Steinorth): This bill would ensure that individuals who are resentenced under Proposition 47 are still prohibited from owning or possessing firearms. The drafters of prop 47 intended existing prohibitions against firearm possession to apply to individuals who are resentenced or reclassified. Unfortunately, the initiative did not make all the necessary changes in the Penal Code. AB 1415 simply amends the Penal Code to add the prohibition language and correct the oversight.

AB 390 (Cooper): This bill would enhance current law to include specified misdemeanor convictions that are subject to DNA sample database collection when such crimes are committed by adults. Persons convicted of specified misdemeanors will be required to provide buccal swab samples, right thumbprints, and a palm print impression of each hand, and any blood specimens or other biological samples required for law enforcement identification analysis. The reclassification of felony offenses to misdemeanors under Proposition 47 will significantly reduce DNA samples collected from offenders and will negatively impact the ability of law enforcement to solve cases.

SB 205 (Beall): This legislation requires a comprehensive four-year evaluation of the implementation, costs and outcomes of Proposition 47.

The Department of Corrections and Rehabilitation estimated that almost 4,800 state prisoners would be eligible to petition for resentencing under the proposition. By early March approximately 2,700 inmates had been released allowing the state to comply with a court ordered inmate reduction mandate a year ahead of schedule.

SB 205 will require the department to gather and compile data on the numbers of people released and the number of those released who are rearrested or incarcerated within three years.

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Impact on Residents and Businesses

The referenced bills have been reviewed and discussed with our County Public Safety departments. The implementation of the bills will have a positive effect on our communities through enhanced public safety.

SUPPLEMENTAL:

Additional Fiscal Information

Contract History and Price Reasonableness