

## Legislation & Initiatives

### **THREE NEW INITIATIVES MAY GO TO THE VOTERS**

The following proposed initiatives will need all of your support because they obviously will encounter rough sledding due to certain opposition from the Governor, Attorney General, District Attorneys, CCPOA, and victim advocates.

#### California Prison Population Reduction Act of 2008

An Initiative to be Submitted to the Voters (File no. 07-0039)

The Initiative seeks to (1) increase worktime credit to "two-for-one" (2 days of term reduction credit for each day in a work or education assignment), (2) set maximum and minimum times of confinement for lifers; e.g., one serving 25-life would serve 12 to 20 years (BPH would set a release date to occur within that time according to new specified criteria); (3) reduce and eliminate some three strike sentences, re-sentence specified strikers, and re-define strikes.

433,971 signatures are required to place the measure on the ballot. The Proponent is Ann Smith: (951) 210-9149. The Secretary of State's Summary, which follows, seems to contradict the publicity summarized above:

Repeals California's "three-strikes" sentencing statutes. Reduces sentences and provides earlier parole eligibility for habitual offenders. Provides for re-sentencing of offenders, except persons convicted of murder, to conform with new sentencing limits. Provides persons sentenced to life with possibility of parole, including those previously sentenced, become parole eligible after seven years. Requires persons sentenced to life with possibility of parole be released within specified time frames. Requires recalculations of parole eligibility dates, resetting of parole release dates, and limits factors that may be considered in

setting parole release dates. Increases work-time credits. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: Net state operating savings of potentially a few hundred million dollars initially, increasing to the low billions of dollars annually, primarily due to reduced prison operating costs. Unknown one-time state savings for capital outlay associated with prison construction that would otherwise be needed, potentially as much as several billions of dollars in the long term. Increased county costs potentially in the low hundreds of millions of dollars annually for jail and court-related costs. (Initiative 07-0039.)

#### Prisoner Rights Act of 2008

An Initiative to be Submitted to the Voters (File no. 07-0040)

The Initiative seeks to expand California prisoners' legal rights, specifically, to meet confidentially with representatives of the news media, receive at least a minimum number of visiting and recreational hours each week, and have access to hobby and music programs. The measure also repeals an existing statute that permits correctional officials to prohibit inmates from receiving obscene written materials. In addition, it states that the only restrictions on inmate rights that are permitted are those prohibited by the State or Federal Constitution or the Penal Code. This means that restrictions on inmate rights could not be put in place solely through the adoption of administrative policies or regulations by correctional officials.

433,971 signatures are required to get the measure on the ballot. The Proponent is Ann Smith: (951) 210-9149. The Secretary of State's Summary follows:

Amends California Penal Code to provide additional rights to adult prisoners. Requires that prisoners have a right to: 1) confidential meetings and correspondence with media; 2) minimum 56 hours per week visitation; 3) minimum time periods for recreation and

entertainment; 4) contact and family overnight visitation for inmates not housed in segregation, security, or intake; 5) specified minimum access to personal property, canteen goods, and entertainment appliances; 6) specified minimum telephone access; and 7) access to movies rated "PG-13," "R," and "NC-17." Eliminates prison authorities' discretion to prohibit access to material deemed obscene. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: Increased prison operating costs of several tens of millions of dollars annually primarily to increase inmate access to visiting. One-time capital outlay costs of up to a couple tens of millions of dollars to construct and renovate prison visiting facilities. (Initiative 07-0040.)

#### Public Safety Through Prisoner Rehabilitation Act of 2008

An Initiative to be Submitted to the Voters  
(no file no. yet)

The initiative proposes a statute that would require CDCR (1) to provide education and substance abuse rehabilitation for every state prisoner wishing to participate, and (2) to provide family visiting to inmates who qualify by conduct and other specified prerequisites who would pay a nominal fee to cover costs; inmates could not be excluded on a sentence basis (e.g., lifers). Further details will soon be available.

#### FAMILY TELEPHONE CONNECTION PROTECTION ACT OF 2007

H.R. 555 (Bobby Rush) (#)

See CLN#17, p. 4; CLN# 16, p. 6. It's been so long (9 months) since anything has happened with this bill: we think it's dead.

(Continued on page 8)