

Initiative Statute

1015. (SA03RF0047, Amdt. #1-S)

Limitations on "Three Strikes" Law. Sex Crimes. Punishment. Initiative Statute.

Proponent: James R. "Jim" Benson, (714) 547-9842

Amends "Three Strikes" law to require increased sentences only when current conviction is for specified violent and/or serious felony. Redefines violent and serious felonies. Only prior convictions for specified violent and/or serious felonies, brought and tried separately, would qualify for second and third "strike" sentence increases. Allows conditional re-sentencing of persons with sentences increased under "Three Strikes" law if previous sentencing offenses, or prior convictions used to increase sentences, would no longer qualify as violent and/or serious felonies. Increases punishment for specified sex crimes against children. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: Unknown, but significant net savings to the state ranging from several tens of millions of dollars to several hundreds of millions of dollars annually due to lower prison operating costs partially offset by costs associated with court-related activities, parole supervision, and the incarceration of and counseling services for sex offenders. Potential state deferral of several hundreds of millions of dollars in capital outlay costs associated with delayed construction of additional prison beds. Increased one-time costs of up to several tens of millions of dollars for jail and court-related costs; ongoing costs of a couple of tens of millions of dollars.