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October 22, 2001

Hon. Bill Lockyer
Attorney General
1300 I Street, 17th Floor
Sacramento, California 95814

Attention: Ms. Tricia Knight
Initiative Coordinator

Dear Attorney General Lockyer:

Pursuant to Elections Code Section 9005, we have reviewed the proposed initiative cited as the "California Clemency Board" (File No. SA2001RF0024).

Background

The Constitution of the State of California authorizes the Governor to grant clemency in the form of reprieves, pardons, and commutations of prison sentences. Under the penal code, the Board of Prison Terms may report to the Governor the names of any persons imprisoned in state prison who, in its judgment, ought to be pardoned or receive a commuted sentence due to good conduct or any other cause.

Proposal

This measure would repeal the Governor's authority to grant clemency and instead transfer clemency authority to the California Clemency Board, which would consist of county clemency boards. Each county would have at least one board of five citizens randomly selected from the pool of registered voters. This board would be responsible for reviewing and taking action on clemency requests from prisoners whose committing offense occurred in that county. The local clemency boards would have the authority to release prisoners, commute sentences, or concur with the inmate's current sentence.

The local clemency boards would be administered by a statewide elected officer whose responsibilities would include accepting clemency petitions from the public, processing clemency petitions for review, and compensating local board members.

Fiscal Effect

Direct Effects. Under this measure, the state would incur direct costs for (1) compensating local clemency board members, (2) conducting a statewide election for the clemency board administrator, and (3) providing for the general administration of the California Clemency Board.

The total compensation costs for local board members cannot be determined but are likely to be significant. The exact amount would vary with the number of boards formed and level of compensation paid to local board members. The cost to the state of conducting an election for a new statewide office would be minor, and include the cost of printing additional pages in the voter guide and making adjustments to the Secretary of State's electronic records system. The operating costs of the statewide administrative office are estimated to be less than \$1 million based on the cost of operations for agencies with similar functions.

Since the majority of the direct costs would be in the form of compensation to local board members, the total direct costs of this initiative would be significant but unknown.

Indirect Effects. If inmates receive clemency through the process established in this measure, the state may incur lower prison operation costs due to a reduction in the prison population. The magnitude of the reduction in prison operation costs is dependent upon the number and type of clemency actions taken by the local boards.

Summary

This measure would result in significant unknown costs to the state which may be offset by a potential unknown reduction in prison operation costs.

Sincerely,

Elizabeth Hill
Legislative Analyst

B. Timothy Gage
Director of Finance