

September 23, 2008

Proposition 6

Police and Law Enforcement Funding. Criminal Penalties and Laws: Safe Neighborhoods Act

L E G I S L A T I V E A N A L Y S T ' S O F F I C E

Presented to:

Senate Public Safety Committee
Hon. Gloria Romero, Chair

Assembly Public Safety Committee
Hon. Jose Solorio, Chair





Summary of Major Provisions and Fiscal Effects of Proposition 6

Major Provisions

- Establishes required state spending levels for certain new and existing criminal justice programs.
- Increases penalties for certain crimes, as well as creates some new felonies and misdemeanors.
- Makes changes to state parole policies and other criminal justice policies.

Fiscal Effects

- Would increase state operating costs by more than \$500 million annually within a few years, growing in subsequent years.
- Would also potentially result in one-time capital outlay costs of more than \$500 million for state prisons.
- Unknown net fiscal impact to other criminal justice agencies such as the courts, police, and jails.



Required Spending Levels for Certain Criminal Justice Programs

(In Millions)

	Current Spending Level	Proposition 6	Change
Local law enforcement ^a	\$187	\$406	\$219
Local juvenile programs	413 ^b	479	66
New offender rehabilitation programs and evaluations	—	23	23
New crime victim assistance programs	—	13	13
Other new state programs	—	45	45
Totals	\$600	\$965	\$365
^a Local law enforcement includes funding directed to police, sheriffs, district attorneys, adult probation, and jails. ^b Includes \$93 million for the Youthful Offender Block Grant as authorized by current law for 2009-10. Detail may not total due to rounding.			

- Creates new state-funded criminal justice programs and requires that certain existing programs be funded at least at their 2007-08 levels.
- Requires total state spending of at least \$965 million for these programs beginning in 2009-10, an increase of \$365 million compared to 2007-08.
- Funding for most programs would be adjusted annually for inflation (an increase of about \$100 million in about five years).
- Dedicates most of the new state spending to local law enforcement activities, directed primarily to police, sheriffs, district attorneys, jails, and probation offices.



Increased Penalties for Certain Crimes

Proposition 6 Examples of Increased Penalties and New Crimes Created by This Measure

Gang Participation and Recruitment

- Gang members^a convicted of home robbery, carjacking, extortion, or threats to witnesses would be subject to life terms in prison.
- Adds additional five years in prison for gang recruitment if the person recruited was under the age of 14.
- Doubles penalties for inmates who commit a felony as part of a gang.
- Ten-year additional penalty for gang members who attempt to commit violent crimes.
- Failure to register as a gang member with local law enforcement would be a felony or misdemeanor, depending on the underlying conviction.

Methamphetamine Crimes

- Defines possession of methamphetamines as a felony. (This crime currently can be prosecuted as a misdemeanor or a felony.)^b
- Increases prison term for sale, possession for sale, and transportation of methamphetamines generally by one year.

Vehicle Theft

- Adds additional year in prison for car theft if theft was for purpose of selling the stolen car.
- Allows law enforcement authorities to impound vehicles for up to 60 days when a gun used in a crime is found in one.
- Generally prohibits probation for a conviction of car theft if the offender has multiple prior convictions for car theft.

Other Increased Penalties and New Crimes

- Up to four-year prison term for intimidating a witness, judge, or other person for participating in a court proceeding.
- Unauthorized removal of an offender's GPS device that is required under existing law or worn as a condition of probation or parole would be a misdemeanor or felony, depending on the underlying conviction.
- Ten additional years in prison for possession of a concealed weapon by certain convicted felons.

^a Generally as defined in Penal Code 186.22.

^b Measure does not change eligibility for some offenders for drug treatment diversion under Proposition 36.



Fiscal Effects of Increased Penalties

- Increases criminal penalties for certain crimes, as well as creates some new felonies and misdemeanors. Would likely result in more offenders being sentenced to state prison or jail for a longer period for the crimes specified.
- Such changes—as well as the proposition's changes to parole policies—would increase state costs to operate the prison and parole system likely by at least a couple hundred million dollars annually after a number of years. Also would result in one-time capital outlay costs related to prison construction, potentially exceeding \$500 million.
- Net fiscal impact to other criminal justice agencies—such as courts, police, and jails—is unknown. Although various provisions of Proposition 6 could result in increased costs to these agencies, other provisions could result in reduced costs.



Parole Policy and Other Criminal Justice Changes

State Parole Policy Changes

- **Parole Agent Caseloads.** Reduces average parole agent caseloads to 50 parolees per parole agent.
- **Global Positioning System (GPS).** Requires the state to pay the cost of GPS monitoring of sex offenders after discharge from parole.

Other Criminal Justice Changes

- **Hearsay Evidence.** Expands the circumstances in which hearsay evidence is admissible in court.
- **Gang Injunction Procedures.** Makes it easier for local law enforcement agencies to bring lawsuits against members of street gangs to prevent them from engaging in criminal activity.
- **Criminal Background Checks for Public Housing Residents.** Requires housing agencies receiving funding under this measure to conduct criminal background checks of all public housing residents at least once per year.
- **Temporary Housing for Offenders.** Permits counties with overcrowded jails to operate temporary jails and treatment facilities, and requires them to meet local health and safety codes that apply to residences.
- **Release of Undocumented Persons.** Prohibits a person charged with a violent or gang-related felony from being released on bail or his or her own recognizance pending trial if he or she is illegally in the United States.
- **Juvenile Justice Coordinating Council Membership.** Changes who may participate on local juvenile justice coordinating councils.
- **Juveniles in Adult Court.** Expands the circumstances under which juveniles would be eligible for trial in an adult criminal court, rather than the juvenile court system, for certain gang-related offenses.



Summary of Proposition's Fiscal Effects On State and Local Governments

Fiscal Effects	Amount
<p>State Operations. Increase in net annual state costs primarily for the following:</p> <ul style="list-style-type: none"> • Required spending of \$965 million for certain new and existing criminal justice programs, an increase of \$365 million. • Requirement that certain criminal justice program spending increase annually with inflation. • Increased penalties for certain crimes resulting in higher prison population. • Increased parole costs due to reduced caseload requirements. 	<p>More than \$500 million within first few years, which would grow by tens of millions of dollars annually in subsequent years.</p>
<p>State Capital Outlay. Additional one-time state capital outlay costs for prison facilities.</p>	<p>Potentially more than \$500 million.</p>
<p>Other Criminal Justice Agency Operations. Costs and savings to state trial courts, county jails, and other criminal justice agencies.</p>	<p>Unknown net fiscal impact.</p>