

THE NEW CRIMINAL JUSTICE SYSTEM IN CALIFORNIA

AB 109 / PROPOSITION 47 / PROPOSITION 57 FACT SHEET

AB 109

AB 109 transferred nearly **45,000 felons** from the State prison system to local jail facilities. However, it is important to note that local jails were not designed to house criminals on a long-term basis. Rather, facilities built in local jurisdictions were intended to detain individuals on a short-term basis for minor infractions or while awaiting trial.

The approval of AB 109 has resulted in the ongoing transference of criminals that should be serving State prison sentences for felony convictions back to local jail facilities. However, local jail facilities were never designed to house violent criminals for extended periods of time, and were already overcrowded before AB 109 was approved. Given the need for local jurisdictions to now house violent felons, AB 109 has resulted in the release of tens of thousands of lower-level convicted criminals back into our community.

Ultimately, as a result of AB 109, while the State prison population has decreased, local jail facilities have seen an increase in the number inmates being incarcerated, resulting in lower-level criminals being released early. This has had a direct impact on rising property crime rates throughout the State.

PROP 47

Proposition 47, called The Safe Neighborhoods and Schools Act, was approved by 60% of California voters in 2014. However, instead of keeping our neighborhoods and schools safe, approval of Proposition 47 actually served to reclassify and downgrade a number of serious crimes from felonies to misdemeanors.

Drug possession, repeated shoplifting, forging checks, gun theft, and possession of date-rape drugs – all of which were felonies before Proposition 47 was approved – are now classified in as misdemeanors.

The effects of Proposition 47 have been far reaching. Today, a criminal can steal as much and as many times as they like, and so long as the value of what is stolen during each theft is less than \$950, the violation is considered a misdemeanor. In addition, the possession of any illegal drug – including cocaine, heroin, and methamphetamine – has been reclassified as a misdemeanor violation, which has decimated the legal system's ability to compel addicts to enter drug rehabilitation programs.

POSSESSION OF DRUGS = MISDEMEANOR INFRACTION

- Possession of Methamphetamine
- Possession of Cocaine
- Possession of Heroin
- Possession of other opiates

STEAL \$950 OR LESS = MISDEMEANOR INFRACTION

- Theft / Theft With A Prior
- Shoplifting
- Forgery / Fraud / Bad Checks
- Receiving Stolen Property

WHAT'S THE DIFFERENCE BETWEEN A MISDEMEANOR AND A FELONY?

MISDEMEANOR

- Misdemeanors are minor violations that must be observed by a law enforcement official in order for action to be taken.
- Penalty is up to one year in jail, but most often results in probation with no jail time.
- Criminals arrested for misdemeanor crime violations are typically released immediately with a citation to appear in court at a later date.

FELONY

- Felonies are the most serious kind of crime.
- Penalty used to be jail time in State prison for more than one year.
- Today, because of AB 109, some criminals with serious felony violations serve time in local jail facilities.

PROP 47 REDUCED ACCOUNTABILITY FOR THOSE WHO COMMIT CRIME.



PROP 57

Proposition 57, called The Public Safety and Rehabilitation Act, was approved by 65% of California voters in 2016. According to the non-partisan Legislative Analyst Office, Proposition 57 allows the State to provide for the early release of up to 30,000 criminals convicted of "non-violent" felonies. Among the crimes that are classified by the State as "non-violent" include:

- Rape by intoxication
- Rape of an unconscious person
- Human trafficking involving sex act with minors
- Drive-by shooting
- Assault with a deadly weapon
- Hate crime causing physical injury
- Corporal injury to a child

Other adverse public safety impacts that were authorized by Proposition 57 include:

- The State Department of Corrections has been given the unlimited authority to grant credits to all criminals - regardless of the nature of their crime - which would facilitate any criminal's early release from State prison.
- Criminals who commit multiple crimes against multiple victims will be eligible for release at the same time as offenders who only committed a single crime against a single victim.
- Repeat criminals will be eligible for release after the same period of incarceration as first time offenders.