AMENDED IN ASSEMBLY JUNE 5, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

Assembly Joint Resolution No. 47

Introduced by Assembly Member Donnelly
(Coauthor: Senator Leno)

May 1, 2014

Assembly Joint Resolution No. 47—Relative to mandatory minimum sentencing.

LEGISLATIVE COUNSEL'S DIGEST

AJR 47, as amended, Donnelly. Mandatory minimum sentencing.

The measure would urge the Congress and the President of the United States to end mandatory minimum sentences for nonviolent drug offenses.

Fiscal committee: no.

WHEREAS, For most of the 19th and 20th centuries, federal trial judges had broad, virtually unlimited sentencing discretion; and

WHEREAS, The Sentencing Reform Act of 1984 established the United States Sentencing Commission and directed it to promulgate sentencing guidelines that would regulate and govern a sentencing court's discretion. In some cases, the act eliminated the court's discretion entirely by requiring a mandatory minimum sentence for certain types of crimes; and

WHEREAS, These mandatory sentences have led to some harsh results because they do not take into account the facts of the individual case; and

WHEREAS, There is currently bipartisan support for the removal of mandatory minimum ~~sentences, at least~~ *sentences* in nonviolent drug crime cases; and

WHEREAS, United States Senator Rand Paul of Kentucky stated, "Our county's mandatory minimum laws reflect a Washington-knows-best, one-size-fits-all approach, which undermines the Constitutional separation of powers, violates our bedrock principle that people should be treated as individuals, and costs the taxpayers money without making them any safer"; and

WHEREAS, Attorney General Eric Holder stated, "Too many Americans go to too many prisons for far too long, and for no truly good law enforcement reason"; and

WHEREAS, Grover Norquist of Americans for Tax Reform stated, "the benefits, if any, of mandatory minimum sentences do not justify this burden to taxpayers. Illegal drug use rates are relatively stable, not shrinking. It appears that mandatory minimums have become a sort of poor man's Prohibition; a grossly simplistic and ineffectual government response to a problem that has been around longer than our government itself. Viewed through the skeptical eye I train on all other government programs, I have concluded that mandatory minimum sentencing policies are not worth the high cost to America's taxpayers"; and

WHEREAS, Former federal prosecutors have testified that mandatory minimum sentences do not accomplish the purpose of identification of high-level drug organization leaders by low-level offenders; and

WHEREAS, In addition, the longer term incarceration of federal criminals has led to one-third of the budget of the United States Department of Justice being spent operating prisons; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature urges the President and the Congress of the United States to end mandatory minimum sentences for nonviolent drug offenses; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United

States, to the Governor of California, and to the author of this resolution.

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