

AMENDED IN SENATE JULY 8, 1999

SENATE BILL

No. 79

Introduced by Senator Hayden

December 7, 1998

An act to ~~amend Sections 667 and 1170.12~~ add Title 9 (commencing with Section 14090) to Part 4 of the Penal Code, relating to sentencing.

LEGISLATIVE COUNSEL'S DIGEST

SB 79, as amended, Hayden. Sentencing: prior convictions.

Existing law, amended by initiative statutes, *commonly known as the Three Strikes Law*, specifies the punishment for persons who are convicted of a felony who have 2 or more prior violent or serious felony convictions. The initiative statutes provide that any amendment of their provisions by the Legislature shall require a $\frac{2}{3}$ vote of the membership of each house.

~~This bill instead would provide that this punishment applies to persons who are convicted of a violent or serious felony who have 2 or more prior violent or serious felony convictions. Because it would amend initiative statutes, this bill requires a $\frac{2}{3}$ vote.~~

This bill would establish a task force to review and assess the Three Strikes Law and recommend any changes that may be required to serve its public safety purposes in a fair and efficient manner. The task force would be comprised of 25 members representing specified groups including proponents of that law, law enforcement, correctional

personnel, victims rights advocates, academic experts, prosecutors, defense attorneys, judges, and representatives of the families of inmates sentenced under the Three Strikes Law. The members would be appointed as specified by the Governor, the Attorney General, the Senate Rules Committee, and the Speaker of the Assembly. The task force would convene public meetings, take testimony, and prepare a report of its findings and recommendations and submit that report to the Legislature no later than July 1, 2000.

Vote: $\frac{2}{3}$ majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 667 of the Penal Code is~~
2 SECTION 1. Title 9 (commencing with Section
3 14090) is added to Part 4 of the Penal Code, to read:

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5 TITLE 9. TASK FORCE TO STUDY THE THREE
6 STRIKES LAW

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8 14090. It is the intent of the Legislature to convene a
9 task force to review and assess the three strikes law under
10 Sections 667 and 1170.12, and recommend any changes
11 that may be required to serve its public safety purposes
12 in a fair and efficient manner.

13 14091. The task force shall assess existing evidence
14 concerning the types of offenses committed by
15 individuals convicted under the Three Strikes Law,
16 whether there are inequities that should be addressed
17 arising from the different offenses that receive the same
18 punishment, the costs of correctional resources devoted
19 to offenders sentenced under the Three Strikes Law, and
20 whether there are reforms of the Three Strikes Law that
21 could improve the mission of increased sentences for
22 chronic, repeat violent offenders.

23 14092. (a) The task force shall be composed of no
24 more than 25 persons, representing a range of individuals
25 with different points of view, including persons who are
26 proponents of the Three Strikes Law, correctional



1 *personnel, victims rights advocates, academic experts,*
2 *prosecutors, defense attorneys, judges, and*
3 *representatives of the families of inmates who have been*
4 *sentenced pursuant to the Three Strikes Law. The*
5 *appointing parties designated in subdivision (b), shall*
6 *meet and confer to ensure that the members of the task*
7 *force constitute a full and fair representation of all the*
8 *groups specified in this subdivision.*

9 *(b) The members of the task force shall be appointed*
10 *as follows:*

11 *(1) The Governor shall appoint three members.*

12 *(2) The Attorney General shall appoint two members.*

13 *(3) The Senate Rules Committee shall appoint 10*
14 *members.*

15 *(4) The Speaker of the Assembly shall appoint 10*
16 *members.*

17 *(c) The Senate Rules Committee and the Speaker of*
18 *the Assembly shall appoint the cochairs of the task force.*

19 *14093. (a) The duties of the task force shall be to*
20 *convene public meetings, take testimony as needed, seek*
21 *consensus wherever possible, and prepare a report of its*
22 *findings and recommendations and submit that report to*
23 *the Legislature no later than July 1, 2000.*

24 *(b) Upon release of the report required by subdivision*
25 *(a), the task force shall be terminated.*

26 *14094. The task force shall be staffed, to the extent*
27 *feasible, by legislative policy consultants to the public*
28 *safety and judiciary committees from both parties.*

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**All matter omitted in this version of the
bill appears in the bill as introduced in the
Senate, December 7, 1998 (JR 11)**

