

AMENDED IN SENATE AUGUST 30, 1999

AMENDED IN SENATE JULY 8, 1999

**SENATE BILL**

**No. 79**

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**Introduced by Senator Hayden**

December 7, 1998

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An act to 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 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~~ 11 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: 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. Title 9 (commencing with Section  
2 14090) is added to Part 4 of the Penal Code, to read:

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

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7 14090. It is the intent of the Legislature to convene a  
8 task force to review and assess the Three Strikes Law  
9 under Sections 667 and 1170.12, and recommend any  
10 changes that may be required to serve its public safety  
11 purposes in a fair and efficient manner.

12 14091. The task force shall assess existing evidence  
13 concerning the types of offenses committed by  
14 individuals convicted under the Three Strikes Law,  
15 whether there are inequities that should be addressed  
16 arising from the different offenses that receive the same  
17 punishment, the costs of correctional resources devoted  
18 to offenders sentenced under the Three Strikes Law, and  
19 whether there are reforms of the Three Strikes Law that  
20 could improve the mission of increased sentences for  
21 chronic, repeat violent offenders.

22 14092. (a) The task force shall be composed of no  
23 more than ~~25~~ 11 persons, representing a range of  
24 individuals with different points of view, including  
25 persons who are proponents of the Three Strikes Law,  
26 correctional personnel, victims rights advocates,  
27 academic experts, prosecutors, defense attorneys, judges,  
28 and representatives of the families of inmates who have  
29 been sentenced pursuant to the Three Strikes Law. The  
30 appointing parties designated in subdivision (b); shall



1 meet and confer to ensure that the members of the task  
2 force constitute a full and fair representation of all the  
3 groups specified in this subdivision. *The appointing*  
4 *parties designated in subdivision (b) shall also ensure that*  
5 *the appointees representing victims rights advocates and*  
6 *families of inmates, as specified in subdivision (a), have*  
7 *a proven history of advocacy with the Legislature and*  
8 *throughout the state on behalf of their respective*  
9 *constituencies.*

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

12 (1) The Governor shall appoint ~~three~~ *six*  
13 *members, including the task force chairperson.*

14 (2) The Attorney General shall appoint ~~two~~ *one*  
15 members.

16 (3) The Senate Rules Committee shall appoint ~~two~~ *two*  
17 members.

18 (4) The Speaker of the Assembly shall appoint ~~two~~ *two*  
19 members.

20 ~~(c) The Senate Rules Committee and the Speaker of~~  
21 ~~the Assembly shall appoint the cochairs of the task force.~~

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

27 (b) Upon release of the report required by subdivision  
28 (a), the task force shall be terminated.

29 14094. The task force shall be staffed, to the extent  
30 feasible, by legislative policy consultants to the public  
31 safety and judiciary committees from both parties.

