



## Legislation Text

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**File #:** 11-0238, **Version:** 1

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Recommendation to respectfully request City Council to take a position for the approval of amending the California Three Strikes Law, California Penal Code 667.5, so it is not pliable to nonviolent or non-serious offenses; and request City Attorney to draft a resolution expressing its support of this amendment.

Beginning in the early 1990s, states began to enact mandatory sentencing laws for repeat criminal offenders. These statutes came to be known as "Three Strikes Laws," because they were invoked when offenders committed their third offense. By 2003 over half the states and the federal government had enacted three strikes laws. The belief behind the laws was that getting career criminals off the streets was good public policy. However, the sentences are often disproportionate to the crimes committed and that incarceration of three strikes inmates for 25 years to life has increased correctional costs.

California's version of the law differs noticeably from statutes adopted elsewhere within the United States. California's Three Strikes policy consists of two primary components. First, if a defendant has a prior serious or violent felony conviction (i.e., strike) and is convicted of any subsequent felony, then the sentence for the current felony is automatically doubled. This is often referred to as the "second strike" provision. Second, if a defendant has two or more strikes, any subsequent felony conviction carries a mandatory "third strike" sentence of 25 years to life in prison. The key difference between California and other states is that the offender's current crime need not be serious or violent. About 500 different felony offenses can set the second- or third-strike provisions of the law into motion. As of June 30, 2010, the California State prison population included 32,479-second strikers and 8,647 third strikers. Because "strike" sentences can be triggered by any felony conviction strikers are serving lengthy and life sentences for convictions ranging from receiving stolen property to drug possession to murder.

These continuing lengthy prison sentences are dividing families and costing the taxpayers millions. In 2010, the average cost of an inmate is about \$50,000 a year. Once that inmate reached 55 years old, it triples to \$150,000 a year, that is largely due to age related illness and the amount of money spent on providing healthcare for inmates.

In June of 2006, the Senate shelved a bipartisan bill supported by Los Angeles County District Attorney Steve Cooley and the California National Association for the Advancement of Colored People (NAACP), SB 1642, that would require that a third strike be a violent or serious felony. With support of local governments, this bill could be put back on the burner for deliberation.

This item has no fiscal impact.

Approve recommendation.

**COUNCILMAN DEE ANDREWS**

SIXTH DISTRICT

COUNCILMEMBER STEVEN NEAL  
NINTH DISTRICT