

SB 710: Keeping California Safe Act

Senator Patricia C. Bates

IN BRIEF

SB 710 alleviates the unintended and dangerous consequences of recent criminal justice reform bills and initiatives by: (1) reinstating DNA collection for certain crimes that were reduced to misdemeanors, (2) reclassifying specific violent crimes as “violent felonies” to ensure individuals convicted of these crimes are not eligible for early release, (3) reforming the parole system to expand parolee oversight and strengthen penalties for parole violations, and (4) restoring accountability for serial thieves.

EXISTING LAW

Assembly Bill 109 (2011), known as “realignment,” transferred the management and supervision of felons convicted of certain non-violent, non-serious, and non-sexual crimes, as defined by law, from the state to counties. Additionally, this bill made changes to how parole determinations and mandatory supervision are handled.

Prop. 47, approved by the voters in 2014, reduced crimes the initiative considered “non-violent” and “non-serious” from felonies to misdemeanors, unless the defendant has prior convictions for murder, rape, certain sex offenses, or certain gun crimes.

Prop. 57, approved by the voters in 2016, enables individuals convicted of nonviolent felonies to be eligible for parole once they have completed the full sentences for their primary offense. Additionally, this initiative allows judges, not prosecutors, to decide whether to try certain juveniles as adults in court.

Prop. 69, approved by the voters in 2004, requires individuals convicted of a felony offense to provide DNA samples for law enforcement identification analysis.

THE ISSUE

DNA Testing

Proposition 47 (2014) reclassified several felony offenses as misdemeanors. Once these offenses were classified as misdemeanors, law enforcement was no longer able to collect DNA samples from these offenders. Prop. 69 only allows DNA samples to be collected from individuals convicted of a felony.

One study done by the Department of Justice found that 40% of the serious, violent crimes in the study were solved because of DNA samples taken upon arrest for drug and property crimes. Because these drug and property crimes are now misdemeanors, which no longer qualify for collection of DNA samples upon arrest under Prop. 47, over 40% of the murders, rapes, and robberies solved in this study would have remained unsolved if Prop. 47 was in effect at the time of the qualifying arrests.

Since the passage of Prop. 47, the DNA database has already experienced a dip in effectiveness, seeing 2,000 less hits. Without a robust DNA databank, law enforcement will not have the tools necessary to solve serious crimes efficiently and effectively.

Misclassification of Violent Felonies

When Prop. 57 was marketed to the public, the proponents promised that individuals convicted of violent crimes, such as rape of an unconscious person and pimping a child, would not be released from prison. However, since the initiative’s implementation, several court cases have proven that these violent criminals can be released early into our neighborhoods.

Most recently, a California Appellate judge ruled that a felon convicted of stabbing his girlfriend with a butcher knife, forcibly molesting his 11-year-old niece, and gang raping a 17-year-old pregnant teenager is now eligible for early release under Prop. 57. Violent criminals like this man were not the people the voters believed would be released early when they passed Prop. 57.

Parole Hearings & Violations

Due to changes made by AB 109 (2011), parole decisions are based solely on an inmate’s commitment offense, not past offenses that may have been serious and violent. Additionally, current law does not provide substantive consequences for repeated violation of an inmate’s parole. One example that sadly highlights the unintended consequences of current law is the murder of Whittier Police Officer Keith Boyer. Officer Boyer’s murderer, Michael Christopher Mejia, had violated his parole and been “flash incarcerated” several times before he brutally murdered the officer.

Serial Theft

Prop. 47 changed the threshold, from \$450 to \$950, for theft to be considered a felony. This means that as long as an individual steals less than \$950 worth of merchandise, they will only be charged with a misdemeanor, no matter how many times they commit this offense. As a result, California has seen an explosion of repeat petty theft offenders or “serial theft,” and an inability of law enforcement to prosecute these crimes effectively. Theft has increased by 12%, with losses of a billion dollars since Prop. 47 was passed.

THE SOLUTION

Misclassification of Violent Felonies

SB 710 reclassifies the violent crimes wrongfully classified as “non-violent,” and, therefore, misdemeanors under Prop. 47. Crimes that will be reclassified as “violent felonies” include rape of an unconscious person, felony domestic violence, and other similar violent crimes. Individuals convicted of such violent crimes will no longer be eligible for early release under Prop. 57 since their crimes will now be classified as felonies.

DNA Testing

SB 710 restores DNA collection for certain crimes that required DNA collection before their reclassification as misdemeanors under Prop. 47. This bill ensures that the DNA Databank will continue to provide the answers needed to solve violent crimes and to exonerate the innocent.

Parole Hearings & Violations

SB 710 requires the Board of Parole to consider an inmate’s entire criminal history, including all current and past convictions, when deciding if the inmate will be released early on parole. Additionally, SB 710 gives the victims of the inmate the opportunity to submit statements to be considered in the inmate’s parole hearing. SB 710 also requires a mandatory hearing for an inmate who violates the terms of her parole three times to determine whether her parole should be revoked.

Serial Theft

SB 710 deters repeat petty theft offenders by adding a felony for “serial theft.” This felony would be triggered when an individual who has two prior theft convictions is convicted of a third theft conviction of property taken that exceeds \$250.

FOR MORE INFORMATION

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Bill text and status can be found at:

www.leginfo.ca.gov