

PROPOSITION 47 PROPOSITION 57 AB 109

City Attorney's Office, Public Safety Division

City Council
September 30, 2021

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OVERCROWDING IN CALIFORNIA'S PRISONS

- The U.S. Supreme Court's 2011 decision in *Brown v. Plata*, found that the California prison system was overcrowded.
- The Supreme Court held the overcrowding violated inmates' Eighth Amendment rights.
- The Supreme Court ordered California to decrease the prison population.



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ASSEMBLY BILL 109 – PASSED IN 2011

- AB 109 was crafted to reduce the prison population.
- AB 109 requires certain non-violent felony sentences to be served in county jails instead of state prison.
- AB 109 allows for the county jail sentences to be served in the community.
 - [For example, a sentence of 6 years can be “split” to be served 3 years in jail and 3 years in the community].



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PROPOSITION 47 – PASSED 2014

The Safe Neighborhoods and Schools Act implemented three broad changes to felony sentencing laws to reduce Prison and Jail populations.

1. First, it reduced certain felony theft and drug possession crimes to misdemeanors.
2. Second, it allowed defendants currently serving felony sentences to be re-sentenced under the new misdemeanor provisions.
3. Third, it changes former felony convictions to misdemeanors.



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PROPOSITION 57 - 2016

Proposition 57 lowers the prison population in California by changing sentencing guidelines.

Crime Classification	Previous Sentencing Reduction Rate	New Sentencing Reduction Rate (May 1, 2021)
Violent	20% (1 day of credit for every 4 days served)	33.3% 10 year sentence is really 7 years.
Nonviolent Second Striker	33.3%	50% 10 year sentence is really 5 years.
Nonviolent Third Striker	33.3%	50% 10 year sentence is really 5 years.

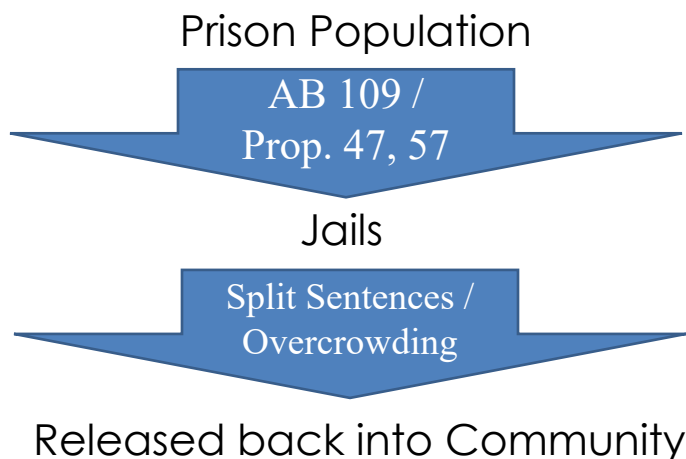
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THE EFFECT OF AB 109 – PROP 47 – PROP 57



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PROBLEM – LACK OF FACILITIES

1. California has 35 State prison Facilities
 - 2 of the facilities [Folsom and San Quentin] were built in 1852 and 1880.
 - Only 2 Facilities have been built since 2011, both opening in 2013.
2. California has 5 State Mental Health Hospitals
 - Three of the hospitals are over 100 years old two of which opened in 1875 and 1893.
 - The newest Facility was built in 2005.



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QUESTIONS?



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