

**In the Supreme Court of the State of California**

**In re**

**KENNETH HUMPHREY,**

**On Habeas Corpus.**

Case No. S247278

First Appellate District, Division Two, Case No. A152056  
San Francisco County Superior Court, Case No. 17007715  
The Honorable Joseph M. Quinn, Judge

**MOTION AND REQUEST FOR JUDICIAL NOTICE**  
**(Cal. Rules of Court, rule 8.252)**

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## **MOTION AND REQUEST FOR JUDICIAL NOTICE**

### **(Cal. Rules of Court, rule 8.252)**

Upon a motion by a party to the action, a reviewing court may take judicial notice of “[f]acts and propositions that are not reasonably subject to dispute and are capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy.” (Evid. Code §§ 459, subd. (a); 452, subd. (h); Cal. Rules of Court, rule 8.252.) Petitioner requests that this Court take judicial notice of: 1) the 2008 Ballot Pamphlet for Proposition 9; 2) an archived Web page for “No on 9”; and 3) news articles related to Proposition 9 that are available through the publisher’s Web site or other scholarly search engines.

### **2008 Ballot Pamphlet for Proposition 9**

Judicial notice may be taken of initiative petitions and ballot pamphlets. (*People v. Superior Court (Romero)* (1996) 13 Cal.4th 497, 504, fn. 1 (*Romero*) [taking judicial notice of proposition materials]; *People v. Hazelton* (1996) 14 Cal.4th 101, 107, fn. 2 (*Hazelton*) [taking judicial notice of initiative petition and ballot statement].)

Proposition 9 amended Article I, section 28 of the California Constitution, which is relevant to the third issue in this case – whether the two provisions of the California Constitution may be reconciled to govern the denial of bail in noncapital cases. The 2008 Ballot Pamphlet for Proposition 9 is relevant because it contains the text of the provision voters considered before amending section 28, which, in turn, is relevant to discern voter intent. (See, e.g., *People v. Gonzalez* (2018) 6 Cal.5th 44, 49-50; *People v. Valencia* (2017) 3 Cal.5th 347, 357; *Cal. Redevelopment Ass’n v. Matosantos* (2011) 53 Cal.4th 231, 265; *People v. Superior Court (Pearson)* (2010) 48 Cal.4th 564, 571.)

Furthermore, the pamphlet is relevant to rebut Amici's claim that Proposition 9 "misled" voters. Under *Romero* and *Hazelton*, the 2008 Ballot Pamphlet for Proposition 9 is also properly subject to judicial notice. (*Romero, supra*, 13 Cal.4th at p. 504, fn. 1; *Hazelton, supra*, 14 Cal.4th at p. 107, fn. 2.) The 2008 Ballot Pamphlet for Proposition 9, attached as Exhibit 1, is electronically available through the UC Hastings Scholarship Repository at <[https://repository.uchastings.edu/cgi/viewcontent.cgi?article=2288&context=ca\\_ballot\\_props](https://repository.uchastings.edu/cgi/viewcontent.cgi?article=2288&context=ca_ballot_props)>.

#### **Archived Web Site for "No on 9"**

Courts may take judicial notice of the existence of a Web site but may not accept the truth of its contents. (See, e.g., *Ragland v. U.S. Nat. Bank Assn.* (2012) 209 Cal.App.4th 182, 194 (*Ragland*); *Unruh-Haxton v. Regents of University of California* (2008) 162 Cal.App.4th 343, 364 (*Unruh-Haxton*); see also *L.B. Research & Education Foundation v. UCLA Foundation* (2005) 130 Cal.App.4th 171, 180, fn. 2.) Furthermore, federal courts have routinely taken judicial notice of "the Internet Archive's Wayback Machine as reliable evidence of how a particular website appeared on a particular date." (*Munn v. Hotchkiss Sch.* (Conn. 2017) 165 A.3d 1167, 1203, fn. 14 (*Munn*).) Federal "[c]ourts have taken judicial notice of the contents of web pages available through the Wayback Machine as facts that can be accurately and readily determined from sources whose accuracy cannot be reasonably questioned[.]" (*UL, LLC v. Space Chariot, Inc.* (2017) 250 F.Supp.3d 596, 604, fn. 2 (*UL, LLC*) quoting *Erickson v. Nebraska Machinery Company* (N.D. Cal. July 6, 2015) 2015 U.S. Dist. LEXIS 87417, \*1, fn. 1[.]

Petitioner requests that this Court take judicial notice of an archived Web page for "No on Prop 9" (then [www.votenoprop9.com](http://www.votenoprop9.com)) which is

available through the Internet Archive, i.e., the “Wayback Machine,” and through other digital media, such as Ballotpedia and the UCLA Digital Library.<sup>1</sup> This archived internet Web page of “No on Prop” is relevant to rebut any claims made by Amici that Proposition 9 “misled” voters and to show that even the opponents of the proposition recognized that the provision would allow courts to deny bail. The archived Web page is also properly subject to judicial notice because it can be accurately and readily determined from sources whose accuracy cannot be reasonably questioned, such as the Internet Archive. (See, e.g., *Munn, supra*, 165 A.3d at p. 1203, fn. 14; *UL, LLC, supra*, 250 F.Supp.3d at p. 604, fn. 2.)

The archived Web page, attached as Exhibit 2A, can be found in the Internet Archive (“Wayback Machine”) at <[https://web.archive.org/web/20081006012244/http://www.votenoprop9.com:80/facts\\_facts.html](https://web.archive.org/web/20081006012244/http://www.votenoprop9.com:80/facts_facts.html)>. Another copy of the archived Web page, attached as Exhibit 2B (initially accessed through Ballotpedia at <[https://ballotpedia.org/California\\_Proposition\\_9,Marsy%27s\\_Law\\_Crime\\_Victims\\_Rights\\_Amendment](https://ballotpedia.org/California_Proposition_9,Marsy%27s_Law_Crime_Victims_Rights_Amendment) (2008)>) can also be found in the UCLA Digital Library at <[http://digital.library.ucla.edu/websites/2008\\_993\\_112/facts\\_facts.html](http://digital.library.ucla.edu/websites/2008_993_112/facts_facts.html)>.

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<sup>1</sup> Ballotpedia is “the digital encyclopedia of [ . . . ] elections.” (Ballotpedia, About <<https://ballotpedia.org/Ballotpedia:About>> (as of Dec. 6, 2018).) Ballotpedia strives to provide “accurate and objective information about politics at all levels of government[]” and is “firmly committed to neutrality” in its content. (*Ibid.*)

The UCLA Digital Library “provides a web presence for digital collections, and provides storage, backup and digital preservation support for all content accepted into, or developed by, the Library.” (UCLA Library Digital Collections, About, Mission <<http://digital2.library.ucla.edu/mission/html>> (as of Dec. 6, 2018).)

## News Articles

Courts may take judicial notice of news articles where relevant. (See, e.g., *Powell v. Superior Court* (1991) 232 Cal.App.3d 785, 790, fn. 2 [taking judicial notice of media coverage in reviewing venue ruling]; *People v. Jurado* (1981) 115 Cal.App.3d 470, 482 [taking judicial notice of newspaper article in reviewing a denial of change of venue motion based on adverse pretrial publicity].) Like the archived Web page, the news articles are relevant to rebut the claim made by Amici that Proposition 9 “misled” voters. (See *Owens v. County of Los Angeles* (2013) 220 Cal.App.4th 107, 124 [examining, among other things, the extent of pre-election publicity in analyzing a post-election due process challenge].) The news articles are also properly subject to judicial notice because their accuracy can be confirmed by accessing the publisher’s Web site or other scholarly search engines. The news articles, attached as Exhibits 3 to 16, can be found at:

Exhibit	Author, Title	Newspaper	Date	Web site(s)
3	<i>Ballot- Box Budgeting: Vote NO on Props 6 and 9</i>	The Bakersfield Californian	Oct. 8, 2008	<a href="https://www.bakersfield.com/archives/ballot-box-budgeting-vote-no-on-props-and/article_c36d5e03-4b59-5308-a3c6-dd44c03fb344.html">https://www.bakersfield.com/archives/ballot-box-budgeting-vote-no-on-props-and/article_c36d5e03-4b59-5308-a3c6-dd44c03fb344.html</a>
4	<i>California Prop. 9 Editorial: Unnecessary Tinkering with Constitution</i>	Orange County Register	Oct. 2, 2008	<a href="https://www.ocregister.com/2008/10/02/california-prop-9-editorial-unnecessary-tinkering-with-constitution/">https://www.ocregister.com/2008/10/02/california-prop-9-editorial-unnecessary-tinkering-with-constitution/</a>
5	<i>Editorial: Flawed Measures Should Be Rejected</i>	Chico Enterprise-Record	Oct. 16, 2008	Available on Lexis-Nexis
6	<i>Editorial: Proposition Endorsements</i>	Monterey County Herald	Oct. 17, 2008	<a href="https://www.montereyherald.com/2008/10/17/editorial-proposition-endorsements/">https://www.montereyherald.com/2008/10/17/editorial-proposition-endorsements/</a>

<b>Exhibit</b>	<b>Author, Title</b>	<b>Newspaper</b>	<b>Date</b>	<b>Web site(s)</b>
7	<i>Give Victims a Voice, Vote YES on Prop 9</i>	Independent Voter Network	Oct. 3, 2008	<a href="https://ivn.us/2008/10/02/give-victims-voice-vote-yes-prop-9/">https://ivn.us/2008/10/02/give-victims-voice-vote-yes-prop-9/</a>
8	Hawkins, <i>Victims Deserve Rights – Yes on Prop 9</i>	Los Angeles Times	Oct. 2, 2008	<a href="http://www.latimes.com/opinion/la-oe-hawkins2-2008oct02-story.html">http://www.latimes.com/opinion/la-oe-hawkins2-2008oct02-story.html</a>
9	<i>Marsy's Law: The Crime Victims' Bill of Rights Act of 2008</i>	Biotech Business Week	Oct. 9, 2008	<a href="https://search-proquest-com.uchastings.idm.oclc.org/docview/236107100?accountid=33497">https://search-proquest-com.uchastings.idm.oclc.org/docview/236107100?accountid=33497</a>
10	<i>No on Proposition 9</i>	Long Beach Press Telegram	Oct. 4, 2008	<a href="https://www.presstelegram.com/2008/10/04/no-on-proposition-9/">https://www.presstelegram.com/2008/10/04/no-on-proposition-9/</a>
11	<i>No on Propositions 5, 6, and 9</i>	Los Angeles Daily News	Oct. 20, 2008	<a href="https://www.dailynews.com/2008/10/20/no-on-propositions-5-6-and-9/">https://www.dailynews.com/2008/10/20/no-on-propositions-5-6-and-9/</a>
12	Ramos, <i>Victims Suffer Injustice by System Meant to Protect Them</i>	The Sun	Oct. 29, 2008	<a href="http://uchastings.idm.oclc.org/login?url=https://search-proquest-com.uchastings.idm.oclc.org/docview/369712554?accountid=33497">http://uchastings.idm.oclc.org/login?url=https://search-proquest-com.uchastings.idm.oclc.org/docview/369712554?accountid=33497</a>
13	<i>Say 'No' to All Propositions Except 11</i>	Sacramento Bee	Oct. 10, 2008	
14	<i>Vote "No" on Proposition 9, an Ill-Considered Crime Victims Bill</i>	Fresno Bee	Oct. 10, 2008	
15	<i>Voters Should Turn Down Props. 5, 6, and 9</i>	Woodland Daily Democrat	Oct. 14, 2008	<a href="https://www.dailydemocrat.com/2008/10/14/voters-should-turn-down-props-5-6-and-9/">https://www.dailydemocrat.com/2008/10/14/voters-should-turn-down-props-5-6-and-9/</a>

## **CONCLUSION**

Petitioner therefore requests that this Court take judicial notice of the 2008 Ballot Pamphlet for Proposition 9, an archived Web page for “No on 9,” and news articles related to Proposition 9.

Dated: December 7, 2018

Respectfully submitted,

GEORGE GASCÓN  
District Attorney  
County of San Francisco



By: ALLISON G. MACBETH  
Assistant District Attorney

## **[PROPOSED] ORDER**

On the motion of Petitioner, it is ordered that:

1. Petitioner's request for judicial notice of the 2008 Ballot Pamphlet for Proposition 9, attached as Exhibit 1 to the Request for Judicial Notice, is hereby granted;
2. Petitioner's request for judicial notice of an archived Web page for "No on 9," attached as Exhibits 2A and 2B to the Request for Judicial Notice, is hereby granted; and
3. Petitioner's request for judicial notice of news articles about Proposition 9, attached as Exhibits 3 to 15 to the Request for Judicial Notice, is hereby granted.

Date:

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Chief Justice

# **EXHIBIT 1**

2008

# CRIMINAL JUSTICE SYSTEM. VICTIMS' RIGHTS. PAROLE.

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## Recommended Citation

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# CRIMINAL JUSTICE SYSTEM. VICTIMS' RIGHTS. PAROLE. INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE.

OFFICIAL TITLE AND SUMMARY

PREPARED BY THE ATTORNEY GENERAL

## CRIMINAL JUSTICE SYSTEM. VICTIMS' RIGHTS. PAROLE. INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE.

- Requires notification to victim and opportunity for input during phases of criminal justice process, including bail, pleas, sentencing and parole.
- Establishes victim safety as consideration in determining bail or release on parole.
- Increases the number of people permitted to attend and testify on behalf of victims at parole hearings.
- Reduces the number of parole hearings to which prisoners are entitled.
- Requires that victims receive written notification of their constitutional rights.
- Establishes timelines and procedures concerning parole revocation hearings.

### Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:

- Potential loss of future state savings on prison operations and potential increased county jail operating costs that could collectively amount to hundreds of millions of dollars annually, due to restricting the early release of inmates to reduce facility overcrowding.
- Net savings in the low tens of millions of dollars annually for the administration of parole hearings and revocations, unless the changes in parole revocation procedures were found to conflict with federal legal requirements.

## ANALYSIS BY THE LEGISLATIVE ANALYST

### OVERVIEW OF PROPOSAL

This measure amends the State Constitution and various state laws to (1) expand the legal rights of crime victims and the payment of restitution by criminal offenders, (2) restrict the early release of inmates, and (3) change the procedures for granting and revoking parole. These changes are discussed in more detail below.

### EXPANSION OF THE LEGAL RIGHTS OF CRIME VICTIMS AND RESTITUTION

#### Background

In June 1982, California voters approved Proposition 8, known as the "Victims' Bill of Rights." Among other changes, the proposition amended the Constitution and various state laws to grant crime victims the right to be notified of, to attend, and to state their views at, sentencing and parole hearings. Other separately enacted laws have created other rights for crime victims, including the opportunity for a victim to obtain a judicial order of protection from harassment by a criminal defendant.

Proposition 8 established the right of crime victims to obtain restitution from any person who committed the crime that caused them to suffer a loss. Restitution

often involves replacement of stolen or damaged property or reimbursement of costs that the victim incurred as a result of the crime. A court is required under current state law to order full restitution unless it finds compelling and extraordinary reasons not to do so. Sometimes, however, judges do not order restitution. Proposition 8 also established a right to "safe, secure and peaceful" schools for students and staff of primary, elementary, junior high, and senior high schools.

#### Changes Made by This Measure

**Restitution.** This measure requires that, without exception, restitution be ordered from offenders who have been convicted, in every case in which a victim suffers a loss. The measure also requires that any funds collected by a court or law enforcement agencies from a person ordered to pay restitution would go to pay that restitution first, in effect prioritizing those payments over other fines and obligations an offender may legally owe.

**Notification and Participation of Victims in Criminal Justice Proceedings.** As noted above, Proposition 8 established a legal right for crime victims to be notified of, to attend, and to state their views at, sentencing and parole hearings. This measure expands these legal rights to include all public criminal

proceedings, including the release from custody of offenders after their arrest, but before trial. In addition, victims would be given the constitutional right to participate in other aspects of the criminal justice process, such as conferring with prosecutors on the charges filed. Also, law enforcement and criminal prosecution agencies would be required to provide victims with specified information, including details on victim's rights.

**Other Expansions of Victims' Legal Rights.** This measure expands the legal rights of crime victims in various other ways, including the following:

- Crime victims and their families would have a state constitutional right to (1) prevent the release of certain of their confidential information or records to criminal defendants, (2) refuse to be interviewed or provide pretrial testimony or other evidence requested in behalf of a criminal defendant, (3) protection from harm from individuals accused of committing crimes against them, (4) the return of property no longer needed as evidence in criminal proceedings, and (5) "finality" in criminal proceedings in which they are involved. Some of these rights now exist in statute.
- The Constitution would be changed to specify that the safety of a crime victim must be taken into consideration by judges in setting bail for persons arrested for crimes.
- The measure would state that the right to safe schools includes community colleges, colleges, and universities.

## RESTRICTIONS ON EARLY RELEASE OF INMATES

### Background

The state operates 33 state prisons and other facilities that had a combined adult inmate population of about 171,000 as of May 2008. The costs to operate the California Department of Corrections and Rehabilitation (CDCR) in 2008–09 are estimated to be approximately \$10 billion. The average annual cost to incarcerate an inmate is estimated to be about \$46,000. The state prison system is currently experiencing overcrowding because there are not enough permanent beds available for all inmates. As a result, gymnasiums and other rooms in state prisons have been converted to house some inmates.

Both the state Legislature and the courts have been considering various proposals that would reduce

overcrowding, including the early release of inmates from state prison. At the time this analysis was prepared, none of these proposals had been adopted. State prison populations are also affected by credits granted to prisoners. These credits, which can be awarded for good behavior or participation in specific programs, reduce the amount of time a prisoner must serve before release.

Collectively, the state's 58 counties spend over \$2.4 billion on county jails, which have a population in excess of 80,000. There are currently 20 counties where an inmate population cap has been imposed by the federal courts and an additional 12 counties with a self-imposed population cap. In counties with such population caps, inmates are sometimes released early to comply with the limit imposed by the cap. However, some sheriffs also use alternative methods of reducing jail populations, such as confining inmates to home detention with Global Positioning System (GPS) devices.

### Changes Made by This Measure

This measure amends the Constitution to require that criminal sentences imposed by the courts be carried out in compliance with the courts' sentencing orders and that such sentences shall not be "substantially diminished" by early release policies to alleviate overcrowding in prison or jail facilities. The measure directs that sufficient funding be provided by the Legislature or county boards of supervisors to house inmates for the full terms of their sentences, except for statutorily authorized credits which reduce those sentences.

## CHANGES AFFECTING THE GRANTING AND REVOCATION OF PAROLE

### Background

The Board of Parole Hearings conducts two different types of proceedings relating to parole. First, before CDCR releases an individual who has been sentenced to life in prison with the possibility of parole, the inmate must go before the board for a parole consideration hearing. Second, the board has authority to return to state prison for up to a year an individual who has been released on parole but who subsequently commits a parole violation. (Such a process is referred to as parole revocation.) A federal court order requires the state to provide legal counsel to parolees, including assistance at hearings related to parole revocation charges.

## Changes Made by This Measure

**Parole Consideration Procedures for Lifers.** This measure changes the procedures to be followed by the board when it considers the release from prison of inmates with a life sentence. Specifically:

- Currently, individuals whom the board does not release following their parole consideration hearing must generally wait between one and five years for another parole consideration hearing. This measure would extend the time before the next hearing to between 3 and 15 years, as determined by the board. However, inmates would be able to periodically request that the board advance the hearing date.
- Crime victims would be eligible to receive earlier notification in advance of parole consideration hearings. They would receive 90 days advance notice, instead of the current 30 days.
- Currently, victims are able to attend and testify at parole consideration hearings with either their next of kin and up to two members of their immediate family, or two representatives. The measure would remove the limit on the number of family members who could attend and testify at the hearing, and would allow victim representatives to attend and testify at the hearing without regard to whether members of the victim's family were present.
- Those in attendance at parole consideration hearings would be eligible to receive a transcript of the proceedings.

**General Parole Revocation Procedures.** This measure changes the board's parole revocation procedures for offenders after they have been paroled from prison. Under a federal court order in a case known as *Valdivia v. Schwarzenegger*, parolees are entitled to a hearing within 10 business days after being charged with violation of their parole to determine if there is probable cause to detain them until their revocation charges are resolved. The measure extends the deadline for this hearing to 15 days. The same court order also requires that parolees arrested for parole violations have a hearing to resolve the revocation charges within 35 days. This measure extends this timeline to 45 days. The measure also provides for the appointment of legal counsel to parolees facing revocation charges only if the board determines, on a case-by-case basis, that the parolee

is indigent and that, because of the complexity of the matter or because of the parolee's mental or educational incapacity, the parolee appears incapable of speaking effectively in his or her defense. Because this measure does not provide for counsel at all parole revocation hearings, and because the measure does not provide counsel for parolees who are not indigent, it may conflict with the *Valdivia* court order, which requires that all parolees be provided legal counsel.

## FISCAL EFFECTS

Our analysis indicates that the measure would result in: (1) state and county fiscal impacts due to restrictions on early release, (2) potential net state savings from changes in parole board procedures, and (3) changes in restitution funding and other fiscal impacts. The fiscal estimates discussed below could change due to pending federal court litigation or budget actions.

### State and County Fiscal Impacts of Early Release Restrictions

As noted above, this measure requires that criminal sentences imposed by the courts be carried out without being substantially reduced by early releases in order to address overcrowding. This provision could have a significant fiscal impact on both the state and counties depending upon the circumstances related to early release and how this provision is interpreted by the courts.

**State Prison.** The state does not now generally release inmates early from prison. Thus, under current law, the measure would probably have no fiscal effect on the state prison system. However, the measure could have a significant fiscal effect in the future in the event that it prevented the Legislature or the voters from enacting a statutory early release program to address prison overcrowding problems. Under such circumstances, this provision of the measure could prevent early release of inmates, thereby resulting in the loss of state savings on prison operations that might otherwise amount to hundreds of millions of dollars annually.

**County Jails.** As mentioned above, early releases of jail inmates now occur in a number of counties, primarily in response to inmate population limits imposed on county jail facilities by federal courts. Given these actions by the federal courts, it is not clear how, and to what extent, the enactment of

such a state constitutional measure would affect jail operations and related expenditures in these counties. For example, it is possible that a county may comply with a population cap by expanding its use of GPS home monitoring or by decreasing the use of pretrial detention of suspects, rather than by releasing inmates early. In other counties not subject to federal court-ordered population caps, the measure's restrictions on early release of inmates could affect jail operations and related costs, depending upon the circumstances related to early release and how this provision was interpreted by the courts. Thus, the overall cost of this provision for counties is unknown.

### Potential Net State Savings From Changes in Parole Board Procedures

The provisions of this measure that reduce the number of parole hearings received by inmates serving life terms would likely result in state savings amounting to millions of dollars annually. Additional savings in the low tens of millions of dollars annually could result from the provisions changing parole revocation procedures, such as by limiting when counsel would be provided by the state. However, some of these changes may run counter to the federal *Valdivia* court order related to parole revocations and therefore could be subject to legal challenges, potentially eliminating these savings. In addition, both the provisions related to parole consideration and revocation could ultimately increase state costs to the extent that they result in additional offenders being held in state prison longer than they would otherwise. Thus, the overall fiscal effect from these changes in parole revocation procedures is likely to be net state savings in the low tens of millions of dollars annually unless the changes in the process were found to conflict with federal legal requirements contained in the *Valdivia* court order.

### Changes in Restitution Funding and Other Fiscal Impacts

**Restitution Funding.** The changes to the restitution process contained in this measure could affect state and local programs. Currently, a number of different state and local agencies receive funding from the fines and penalties collected from criminal offenders. For example, revenues collected from offenders go to counties' general funds, the state Fish and Game Preservation Fund for support of a variety of wildlife conservation programs, the Traumatic Brain Injury Fund to help adults recover from brain injuries, and the Restitution Fund for support of crime victim programs. Because this initiative requires that all monies collected from a defendant first be applied to pay restitution orders directly to the victim, it is possible that the payments of fine and penalty revenues to various funds, including the Restitution Fund, could decline.

However, any loss of Restitution Fund revenues may be offset to the extent that certain provisions of this initiative increase the amount of restitution received directly by victims, thereby reducing their reliance on assistance from the Restitution Fund. Similarly, this initiative may also generate some savings for state and local agencies to the extent that increases in payments of restitution to crime victims cause them to need less assistance from other state and local government programs, such as health and social services programs.

**Legal Rights of Criminal Victims.** Because the measure gives crime victims and their families and representatives a greater opportunity to participate in and receive notification of criminal justice proceedings, state and local agencies could incur additional administrative costs. Specifically, these costs could result from lengthier court and parole consideration proceedings and additional notification of victims by state and local agencies about these proceedings.

The net fiscal impact of these changes in restitution funding and legal rights of criminal victims on the state and local agencies is unknown.

★ ARGUMENT IN FAVOR OF PROPOSITION 9 ★

No pain is worse than losing a child or a loved one to murder . . . EXCEPT WHEN THE PAIN IS MAGNIFIED BY A SYSTEM THAT PUTS CRIMINALS' RIGHTS AHEAD OF THE RIGHTS OF INNOCENT VICTIMS.

The pain is real. It's also unnecessary to victims and costly to taxpayers.

Marsy Nicholas was a 21-year-old college student at UC Santa Barbara studying to become a teacher for disabled children. Her boyfriend ended her promising life with a shotgun blast at close range. Due to a broken system, the pain of losing Marsy was just the beginning.

Marsy's mother, Marcella, and family were grieving, experiencing pain unlike anything they'd ever felt. The only comfort was the fact Marsy's murderer was arrested.

Imagine Marcella's agony when she came face-to-face with Marsy's killer days later . . . at the grocery store!

How could he be free? He'd just killed Marcella's little girl. This can't be happening, she thought. Marsy's killer was free on bail but her family wasn't even notified. He could've easily killed again.

CALIFORNIA'S CONSTITUTION GUARANTEES RIGHTS FOR RAPISTS, MURDERERS, CHILD MOLESTERS, AND DANGEROUS CRIMINALS.

PROPOSITION 9 LEVELS THE PLAYING FIELD, GUARANTEEING CRIME VICTIMS THE RIGHT TO JUSTICE AND DUE PROCESS, ending further victimization of innocent people by a system that frequently neglects, ignores, and forever punishes them.

Proposition 9 creates California's Crime Victims' Bill of Rights to:

- REQUIRE THAT A VICTIM AND THEIR FAMILY'S SAFETY MUST BE CONSIDERED BY JUDGES MAKING BAIL DECISIONS FOR ACCUSED CRIMINALS.
- Mandate that crime victims be notified if their offender is released.
- REQUIRE VICTIMS BE NOTIFIED OF PAROLE HEARINGS IN ADVANCE TO ENSURE THEY CAN ATTEND AND HAVE A RIGHT TO BE HEARD.

- Require that victims be notified and allowed to participate in critical proceedings related to the crime, including bail, plea bargain, sentencing, and parole hearings.
- Give victims a constitutional right to prevent release of their personal confidential information or records to criminal defendants.

During these difficult budget times, PROP. 9 PROTECTS TAXPAYERS.

Currently, taxpayers spend millions on hearings for dangerous criminals that have virtually no chance of release. "Helter Skelter" inmates Bruce Davis and Leslie Van Houten, followers of Charles Manson, convicted of multiple brutal murders, have had 38 parole hearings in 30 years. That's 38 times the families involved have been forced to relive the painful crime and pay their own expenses to attend the hearing, plus 38 hearings that taxpayers have had to subsidize.

Prop. 9 allows parole judges to increase the number of years between parole hearings. CALIFORNIA'S NONPARTISAN LEGISLATIVE ANALYST SAID IT ACHIEVES, "POTENTIAL NET SAVINGS IN THE LOW TENS OF MILLIONS OF DOLLARS . . ."

PROP. 9 ALSO PREVENTS POLITICIANS FROM RELEASING DANGEROUS INMATES TO ALLEVIATE PRISON OVERCROWDING.

Prop. 9 respects victims, protects taxpayers, and makes California safer. It's endorsed by public safety leaders, victims' advocates, taxpayers, and working families.

PROP. 9 IS ABOUT FAIRNESS FOR LAW ABIDING CITIZENS. They deserve rights equal to those of criminals.

*ON BEHALF OF ALL CURRENT AND FUTURE CRIME VICTIMS, PLEASE VOTE YES ON 9!*

**MARCELLA M. LEACH**, Co-Founder  
Justice for Homicide Victims

**LAWANDA HAWKINS**, Founder  
Justice for Murdered Children

**DAN LEVEY**, National President  
The National Organization of Parents of Murdered Children

★ REBUTTAL TO ARGUMENT IN FAVOR OF PROPOSITION 9 ★

Our hearts go out to the victims of violent crime and their families. Prop. 9 was put on the ballot by one such family whose family member was killed 25 years ago. But Prop. 9 is unnecessary and will cost taxpayers millions of dollars.

During the past 25 years many fundamental changes have been made to our criminal justice laws such as the "Three Strikes Law;" and the "Victims' Bill of Rights" which placed victims' rights into the Constitution.

*Under current law* victims have the right to be notified if their offender is released, to receive advance notice of criminal proceedings, and to participate in parole hearings and sentencing. There's already a state-funded Victims of Crime Resource Center to educate victims about their rights and help them through the process.

That's why Prop. 9 is a horrible drain on taxpayers during the height of a budget crisis. It's why the independent Legislative

Analyst said it could cost "hundreds of millions of dollars annually."

Instead of streamlining government, Prop. 9 creates serious duplication of existing laws. It places pages of complex law into our Constitution. And once in the Constitution, if the laws don't work, and need to be changed or modernized in any way, it could require a ¾ vote of the Legislature. That's a threshold even higher than required to pass the state budget!

Vote NO on Prop. 9.

**JEANNE WOODFORD**, Former Warden  
San Quentin State Prison

**REV. JOHN FREESEMAN**, Board President  
California Church IMPACT

★ ARGUMENT AGAINST PROPOSITION 9 ★

Aren't you getting tired of one individual paying millions to put some idea, however well-meaning, on the ballot that ends up costing taxpayers billions?

Prop. 9 is the poster child for this, bought and paid for by one man—Henry Nicholas III.

Prop. 9 is a misleading proposition that exploits Californians' concern for crime victims. It preys on our emotions in order to rewrite the State Constitution and change the way California manages its prisons and jails, threatening to worsen our overcrowding crises, at both the state and local level.

Prop. 9 is a costly, unnecessary initiative. In fact, many of the components in Prop. 9—including the requirements that victims be notified of critical points in an offender's legal process as well as the rights for victims to be heard throughout the legal process—were already approved by voters in Prop. 8 in 1982, the Victims' Bill of Rights.

That's why Prop. 9 is truly unnecessary and an expensive duplication of effort. According to the *Appeal Democrat* newspaper, "this initiative is about little more than political grandstanding," ("Our View: Tough talk on crime just hot air," 3/1/08).

Voters sometimes don't realize that there is no mechanism for initiatives to be legally reviewed for duplication of current law. So, sometimes if it seems like a way to get something passed, the writers include current law in their initiatives. That's clearly what has been done in Prop. 9.

Californians are understandably concerned about safety and sympathetic to crime victims. Some of the provisions seem reasonable. Yet they hardly require an initiative to accomplish

them. For instance, passage of Prop. 9 would require law enforcement to give victims a "Marsy's Law" card spelling out their rights. Does the state really need to put this in the State Constitution? And at what cost?

Prop. 9 promises to stop the early release of criminals. The nonpartisan Legislative Analyst's Office says this could potentially "amount to hundreds of millions of dollars annually." The Legislative Analyst also points out that "the state does not now generally release inmates early from prison."

California's parole system is already among the most strict in the United States. The actual annual parole rate for those convicted of second degree murder or manslaughter has been less than 1% of those eligible for 20 years! So, the need for these tremendously costly changes to existing parole policy is unjustified given the costs involved.

Further, anything approved in Prop. 9 regarding prisoners and parole is subject to federal legal challenges. So, the likelihood that Prop. 9 would have any impact at all is negligible at best.

Taking money out of an already cash-strapped state budget to pay for an unnecessary initiative could mean cuts to every other priority of Government, including education, healthcare, and services for the poor and elderly.

Vote No on Prop. 9. It's unnecessary. It's expensive. It's bad law.

**SHEILA A. BEDI**, Executive Director  
Justice Policy Institute

**ALLAN BREED**, Former Director  
California Department of Corrections

★ REBUTTAL TO ARGUMENT AGAINST PROPOSITION 9 ★

It's sad when special interests resort to personal attacks against crime victims and their families.

**MAKE NO MISTAKE: TODAY, IN CALIFORNIA, INNOCENT VICTIMS ARE BEING PUNISHED BY A BROKEN SYSTEM.**

Here are two examples, among thousands:

Anna Del Rio, whose daughter was executed by a "shooter for gangs," was intimidated by gang members—in court—and NOT ALLOWED TO SPEAK or wear a picture of her daughter.

Marguerite Hemphill left her paralyzed husband's bedside to attend the parole hearing for her daughter's killer. After driving 300 miles, she learned the hearing was postponed. **HEMPHILL WASN'T NOTIFIED AND HAS NO RECOURSE . . .** she must repeat the trip again.

If victims already have rights, why does this happen?

**MURDERERS, RAPISTS, AND CHILD MOLESTERS HAVE RIGHTS GUARANTEED BY THE CALIFORNIA CONSTITUTION. CRIME VICTIMS AND THEIR FAMILIES HAVE NO SIMILAR CONSTITUTIONAL RIGHTS.**

**PROPOSITION 9 RESTORES JUSTICE, DUE PROCESS, HUMAN DIGNITY, AND FAIRNESS.** It makes convicted

criminals pay their debt to society by prohibiting politicians from releasing criminals just to reduce prison populations.

Crime Victims United of California, Justice for Homicide Victims, Justice for Murdered Children, Memory of Victims Everywhere, National Organization of Parents of Murdered Children, police chiefs, sheriffs, and district attorneys say **VOTE YES.**

**TRUST CALIFORNIANS: 1.2 MILLION PEOPLE, DEMOCRATS AND REPUBLICANS, PUT PROP. 9 ON THE BALLOT. IT CAN SAVE TAXPAYERS TENS OF MILLIONS** according to the nonpartisan Legislative Analyst. More importantly, Prop. 9 can save lives.

Remember the pain endured by victims Anna Del Rio and Marguerite Hemphill. Please vote YES.

**MARCELLA LEACH**, Co-Founder  
Justice for Homicide Victims

**HARRIET SALARNO**, President  
Crime Victims United of California

**MARK LUNSFORD**, Creator  
Jessica's Law: Sexual Predator Punishment and Control Act of 2006

# QUICK-REFERENCE GUIDE

## PROP 9 CRIMINAL JUSTICE SYSTEM. VICTIMS' RIGHTS. PAROLE. INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE.

### SUMMARY

*Put on the Ballot by Petition Signatures*

Requires notification to victim and opportunity for input during phases of criminal justice process, including bail, pleas, sentencing and parole. Establishes victim safety as consideration for bail or parole. Fiscal Impact: Potential loss of state savings on prison operations and increased county jail costs amounting to hundreds of millions of dollars annually. Potential net savings in the low tens of millions of dollars annually on parole procedures.

### WHAT YOUR VOTE MEANS

**YES** A YES vote on this measure means: Crime victims would have additional constitutionally guaranteed rights, such as the right to participate in any public criminal proceedings. Payments of restitution to crime victims would be required without exception, and any funds collected from offenders ordered to pay restitution would go to pay that obligation before any other. Inmates with life sentences who were denied parole would generally have to wait longer before being considered again for release. Some parolees facing revocation and return to prison may no longer be represented by legal counsel. Early release of inmates to reduce prison or jail overcrowding would be restricted in certain circumstances.

**NO** A NO vote on this measure means: Victims will continue to have the statutory right to be notified of certain criminal justice proceedings, such as sentencing and parole proceedings. Whether victim restitution would be ordered would remain subject to a judge's discretion, and the manner in which money collected from defendants is distributed would remain unchanged. Current waiting periods for parole revocation hearings and parole consideration would remain unchanged. All parolees would continue to be entitled to receive legal representation at parole hearings. State and local governments could take steps to release inmates early to reduce jail and prison overcrowding.

### ARGUMENTS

**PRO** California's constitution gives convicted criminals generous rights. Crime victims don't have similar protections. Prop. 9 improves public safety and justice, giving victims enforceable constitutional rights. It saves taxpayers millions and prevents politicians from releasing criminals just to ease overcrowding. It's endorsed by victims, law enforcement, Republicans, and Democrats. Vote YES.

**CON** Prop. 9 asks voters to support victims' rights already protected under state law. The hundreds of millions it drains from state and local government doesn't go to crime victims, it goes toward building more prisons! It places complex, duplicative laws into the Constitution, making modernization nearly impossible. Vote No.

### FOR ADDITIONAL INFORMATION

#### FOR

Randle Communications  
925 L Street, Suite 1275  
Sacramento, CA 95814  
(916) 448-5802  
Yesonprop9@gmail.com

#### AGAINST

Richard Rios  
No on Propositions 6 & 9  
555 Capitol Mall, Suite 1425  
Sacramento, CA 95814  
(916) 442-2952  
www.votenoprop9.com

## PROP 10 ALTERNATIVE FUEL VEHICLES AND RENEWABLE ENERGY. BONDS. INITIATIVE STATUTE.

### SUMMARY

*Put on the Ballot by Petition Signatures*

Authorizes \$5 billion in bonds paid from state's General Fund, to help consumers and others purchase certain vehicles, and to fund research in renewable energy and alternative fuel vehicles. Fiscal Impact: State cost of about \$10 billion over 30 years to repay bonds. Increased state and local revenues, potentially totaling several tens of millions of dollars through 2019. Potential state administrative costs up to about \$10 million annually.

### WHAT YOUR VOTE MEANS

**YES** A YES vote on this measure means: The state could sell \$5 billion in general obligation bonds for various renewable energy, alternative fuel, energy efficiency, and air emissions reduction purposes.

**NO** A NO vote on this measure means: The state would not sell \$5 billion in general obligation bonds for these purposes.

### ARGUMENTS

**PRO** YES ON 10: ENERGY INDEPENDENCE AND CLEAN AIR. PRODUCES more electricity from renewable sources, including solar and wind. GIVES Californians rebates to purchase clean alternative fuel vehicles. GETS polluting diesels off roads. INCREASES grants to California universities to develop cheaper alternatives to gasoline. REQUIRES strict accountability/audits. No new taxes.

**CON** Proposition 10 is special interest legislation which gives away \$10 billion in taxpayer dollars to primarily benefit one company with little accountability and NO guarantees of environmental benefit. Don't hurt our schools and services in a time of budget crisis. Vote NO on Prop. 10!

### FOR ADDITIONAL INFORMATION

#### FOR

Californians for Energy  
Independence – Yes on Prop. 10  
1415 L Street, Suite 430  
Sacramento, CA 95814  
info@prop10yes.com  
www.prop10yes.com

#### AGAINST

Consumer Federation of California  
520 S. El Camino Real, Suite 340  
San Mateo, CA 94402  
(650) 375-7840  
www.votenoonprop10.com

consistent with Section 25740.1, the Public Utilities Commission shall encourage and give the highest priority to allocations for the construction of, or payment to supplement the construction of, any new or modified electric transmission facilities necessary to facilitate the state achieving its renewables portfolio standard targets.

(c) All projects receiving funding, in whole or in part, pursuant to this section shall be considered public works projects subject to the provisions of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code, and the Department of Industrial Relations shall have the same authority and responsibility to enforce those provisions as it has under the Labor Code.

SEC. 28. Section 25745 is added to the Public Resources Code, to read:

25745. The Energy Commission shall use its best efforts to attract and encourage investment in solar and clean energy resources, facilities, research and development from companies based in the United States to fulfill the purposes of this chapter.

SEC. 29. Section 25751.5 is added to the Public Resources Code, to read:

25751.5. (a) The Solar and Clean Energy Transmission Account is hereby established within the Renewable Resources Trust Fund.

(b) Beginning January 1, 2009, the total annual adjustments adopted pursuant to subdivision (d) of Section 399.8 of the Public Utilities Code shall be allocated to the Solar and Clean Energy Transmission Account.

(c) Funds in the Solar and Clean Energy Transmission Account shall be used, in whole or in part, for the following purposes:

(1) The purchase of property or right-of-way pursuant to the commission's authority under Chapter 8.9 (commencing with Section 25790).

(2) The construction of, or payment to supplement the construction of, any new or modified electric transmission facilities necessary to facilitate the state achieving its renewables portfolio standard targets.

(d) Title to any property or project paid for in whole pursuant to this section shall vest with the commission. Title to any property or project paid for in part pursuant to this section shall vest with the commission in a part proportionate to the commission's share of the overall cost of the property or project.

(e) Funds deposited in the Solar and Clean Energy Transmission Account shall be used to supplement, and not to supplant, existing state funding for the purposes authorized by subdivision (c).

(f) All projects receiving funding, in whole or in part, pursuant to this section shall be considered public works projects subject to the provisions of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code, and the Department of Industrial Relations shall have the same authority and responsibility to enforce those provisions as it has under the Labor Code.

SEC. 30. Chapter 8.9 (commencing with Section 25790) is added to Division 15 of the Public Resources Code, to read:

25790. The Energy Commission may, for the purposes of this chapter, purchase and subsequently sell, lease to another party for a period not to exceed 99 years, exchange, subdivide, transfer, assign, pledge, encumber, or otherwise dispose of any real or personal property or any interest in property. Any such lease or sale shall be conditioned on the development and use of the property for the generation and/or transmission of renewable energy.

25791. Any lease or sale made pursuant to this chapter may be made without public bidding but only after a public hearing.

SEC. 31. Severability

The provisions of this act are severable. If any provision of this act, or part thereof, is for any reason held to be invalid under state or federal law, the remaining provisions shall not be affected, but shall remain in full force and effect.

SEC. 32. Amendment

The provisions of this act may be amended to carry out its purpose and intent by statutes approved by a two-thirds vote of each house of the Legislature and signed by the Governor.

SEC. 33. Conflicting Measures

(a) This measure is intended to be comprehensive. It is the intent of the people that in the event that this measure and another initiative measure relating to the same subject appear on the same statewide election ballot, the provisions of the other measure or measures are deemed to be in conflict with this measure. In the event this measure shall receive the greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and all provisions of the other measure or measures shall be null and void.

(b) If this measure is approved by voters but superseded by law by any other conflicting ballot measure approved by the voters at the same election, and the conflicting ballot measure is later held invalid, this measure shall be self-

executing and given full force of law.

SEC. 34. Legal Challenge

Any challenge to the validity of this act must be filed within six months of the effective date of this act.

## PROPOSITION 8

This initiative measure is submitted to the people in accordance with the provisions of Article II, Section 8, of the California Constitution.

This initiative measure expressly amends the California Constitution by adding a section thereto; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

SECTION 1. Title

This measure shall be known and may be cited as the "California Marriage Protection Act."

SECTION 2. Section 7.5 is added to Article I of the California Constitution, to read:

Sec. 7.5. *Only marriage between a man and a woman is valid or recognized in California.*

## PROPOSITION 9

This initiative measure is submitted to the people of California in accordance with the provisions of Section 8 of Article II of the California Constitution.

This initiative measure amends a section of the California Constitution and amends and adds sections to the Penal Code; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

### PROPOSED LAW

#### VICTIMS' BILL OF RIGHTS ACT OF 2008: MARSY'S LAW

SECTION 1. TITLE

This act shall be known, and may be cited as, the "Victims' Bill of Rights Act of 2008: Marsy's Law."

SECTION 2. FINDINGS AND DECLARATIONS

The People of the State of California hereby find and declare all of the following:

1. Crime victims are entitled to justice and due process. Their rights include, but are not limited to, the right to notice and to be heard during critical stages of the justice system; the right to receive restitution from the criminal wrongdoer; the right to be reasonably safe throughout the justice process; the right to expect the government to properly fund the criminal justice system, so that the rights of crime victims stated in these Findings and Declarations and justice itself are not eroded by inadequate resources; and, above all, the right to an expeditious and just punishment of the criminal wrongdoer.

2. The People of the State of California declare that the "Victims' Bill of Rights Act of 2008: Marsy's Law" is needed to remedy a justice system that fails to fully recognize and adequately enforce the rights of victims of crime. It is named after Marsy, a 21-year-old college senior at U.C. Santa Barbara who was preparing to pursue a career in special education for handicapped children and had her whole life ahead of her. She was murdered on November 30, 1983. Marsy's Law is written on behalf of her mother, father, and brother, who were often treated as though they had no rights, and inspired by hundreds of thousands of victims of crime who have experienced the additional pain and frustration of a criminal justice system that too often fails to afford victims even the most basic of rights.

3. The People of the State of California find that the "broad reform" of the criminal justice system intended to grant these basic rights mandated in the Victims' Bill of Rights initiative measure passed by the electorate as Proposition 8 in 1982 has not occurred as envisioned by the people. Victims of crime continue to be denied rights to justice and due process.

4. An inefficient, overcrowded, and arcane criminal justice system has failed to build adequate jails and prisons, has failed to efficiently conduct court proceedings, and has failed to expeditiously finalize the sentences and punishments of criminal wrongdoers. Those criminal wrongdoers are being released from custody after serving as little as 10 percent of the sentences imposed and determined to be appropriate by judges.

5. Each year hundreds of convicted murderers sentenced to serve life in prison seek release on parole from our state prisons. California's "release from prison parole procedures" torture the families of murdered victims and waste

millions of dollars each year. In California convicted murderers are appointed attorneys paid by the tax dollars of its citizens, and these convicted murderers are often given parole hearings every year. The families of murdered victims are never able to escape the seemingly unending torture and fear that the murderer of their loved one will be once again free to murder.

6. “Helter Skelter” inmates Bruce Davis and Leslie Van Houghton, two followers of Charles Manson convicted of multiple brutal murders, have had 38 parole hearings during the past 30 years.

7. Like most victims of murder, Marsy was neither rich nor famous when she was murdered by a former boyfriend who lured her from her parents’ home by threatening to kill himself. Instead he used a shotgun to brutally end her life when she entered his home in an effort to stop him from killing himself. Following her murderer’s arrest, Marsy’s mother was shocked to meet him at a local supermarket, learning that he had been released on bail without any notice to Marsy’s family and without any opportunity for her family to state their opposition to his release.

8. Several years after his conviction and sentence to “life in prison,” the parole hearings for his release began. In the first parole hearing, Marsy’s mother suffered a heart attack fighting against his release. Since then Marsy’s family has endured the trauma of frequent parole hearings and constant anxiety that Marsy’s killer would be released.

9. The experiences of Marsy’s family are not unique. Thousands of other crime victims have shared the experiences of Marsy’s family, caused by the failure of our criminal justice system to notify them of their rights, failure to give them notice of important hearings in the prosecutions of their criminal wrongdoers, failure to provide them with an opportunity to speak and participate, failure to impose actual and just punishment upon their wrongdoers, and failure to extend to them some measure of finality to the trauma inflicted upon them by their wrongdoers.

### SECTION 3. STATEMENT OF PURPOSES AND INTENT

It is the purpose of the People of the State of California in enacting this initiative measure to:

1. Provide victims with rights to justice and due process.
2. Invoke the rights of families of homicide victims to be spared the ordeal of prolonged and unnecessary suffering, and to stop the waste of millions of taxpayer dollars, by eliminating parole hearings in which there is no likelihood a murderer will be paroled, and to provide that a convicted murderer can receive a parole hearing no more frequently than every three years, and can be denied a follow-up parole hearing for as long as 15 years.

### SECTION 4. VICTIMS’ BILL OF RIGHTS

SECTION 4.1. Section 28 of Article I of the California Constitution is amended to read:

SEC. 28. (a) The People of the State of California find and declare *all of the following*:

(1) *Criminal activity has a serious impact on the citizens of California. The rights of victims of crime and their families in criminal prosecutions are a subject of grave statewide concern.*

(2) *Victims of crime are entitled to have the criminal justice system view criminal acts as serious threats to the safety and welfare of the people of California. that the The enactment of comprehensive provisions and laws ensuring a bill of rights for victims of crime, including safeguards in the criminal justice system to fully protect protecting those rights and ensuring that crime victims are treated with respect and dignity, is a matter of grave statewide concern high public importance. California’s victims of crime are largely dependent upon the proper functioning of government, upon the criminal justice system and upon the expeditious enforcement of the rights of victims of crime described herein, in order to protect the public safety and to secure justice when the public safety has been compromised by criminal activity.*

(3) *The rights of victims pervade the criminal justice system; encompassing not only the right to restitution from the wrongdoers for financial losses suffered as a result of criminal acts, but also the more basic expectation. These rights include personally held and enforceable rights described in paragraphs (1) through (17) of subdivision (b).*

(4) *The rights of victims also include broader shared collective rights that are held in common with all of the People of the State of California and that are enforceable through the enactment of laws and through good-faith efforts and actions of California’s elected, appointed, and publicly employed officials. These rights encompass the expectation shared with all of the people of California that persons who commit felonious acts causing injury to innocent victims will be appropriately and thoroughly investigated, appropriately detained in custody, brought before the courts of California even if arrested*

*outside the State, tried by the courts in a timely manner, sentenced, and sufficiently punished so that the public safety is protected and encouraged as a goal of highest importance.*

(5) *Victims of crime have a collectively shared right to expect that persons convicted of committing criminal acts are sufficiently punished in both the manner and the length of the sentences imposed by the courts of the State of California. This right includes the right to expect that the punitive and deterrent effect of custodial sentences imposed by the courts will not be undercut or diminished by the granting of rights and privileges to prisoners that are not required by any provision of the United States Constitution or by the laws of this State to be granted to any person incarcerated in a penal or other custodial facility in this State as a punishment or correction for the commission of a crime.*

(6) *Victims of crime are entitled to finality in their criminal cases. Lengthy appeals and other post-judgment proceedings that challenge criminal convictions, frequent and difficult parole hearings that threaten to release criminal offenders, and the ongoing threat that the sentences of criminal wrongdoers will be reduced, prolong the suffering of crime victims for many years after the crimes themselves have been perpetrated. This prolonged suffering of crime victims and their families must come to an end.*

(7) ~~Such~~ *Finally, the People find and declare that the right to public safety extends to public and private primary, elementary, junior high, and senior high school, and community college, California State University, University of California, and private college and university campuses, where students and staff have the right to be safe and secure in their persons.*

(8) ~~To accomplish these the goals it is necessary that the laws of California relating to the criminal justice process be amended in order to protect the legitimate rights of victims of crime. ,broad reforms in the procedural treatment of accused persons and the disposition and sentencing of convicted persons are necessary and proper as deterrents to criminal behavior and to serious disruption of people’s lives:~~

(b) *In order to preserve and protect a victim’s rights to justice and due process, a victim shall be entitled to the following rights:*

(1) *To be treated with fairness and respect for his or her privacy and dignity, and to be free from intimidation, harassment, and abuse, throughout the criminal or juvenile justice process.*

(2) *To be reasonably protected from the defendant and persons acting on behalf of the defendant.*

(3) *To have the safety of the victim and the victim’s family considered in fixing the amount of bail and release conditions for the defendant.*

(4) *To prevent the disclosure of confidential information or records to the defendant, the defendant’s attorney, or any other person acting on behalf of the defendant, which could be used to locate or harass the victim or the victim’s family or which disclose confidential communications made in the course of medical or counseling treatment, or which are otherwise privileged or confidential by law.*

(5) *To refuse an interview, deposition, or discovery request by the defendant, the defendant’s attorney, or any other person acting on behalf of the defendant, and to set reasonable conditions on the conduct of any such interview to which the victim consents.*

(6) *To reasonable notice of and to reasonably confer with the prosecuting agency, upon request, regarding, the arrest of the defendant if known by the prosecutor, the charges filed, the determination whether to extradite the defendant, and, upon request, to be notified of and informed before any pretrial disposition of the case.*

(7) *To reasonable notice of all public proceedings, including delinquency proceedings, upon request, at which the defendant and the prosecutor are entitled to be present and of all parole or other post-conviction release proceedings, and to be present at all such proceedings.*

(8) *To be heard, upon request, at any proceeding, including any delinquency proceeding, involving a post-arrest release decision, plea, sentencing, post-conviction release decision, or any proceeding in which a right of the victim is at issue.*

(9) *To a speedy trial and a prompt and final conclusion of the case and any related post-judgment proceedings.*

(10) *To provide information to a probation department official conducting a pre-sentence investigation concerning the impact of the offense on the victim and the victim’s family and any sentencing recommendations before the sentencing of the defendant.*

(11) *To receive, upon request, the pre-sentence report when available to the defendant, except for those portions made confidential by law.*

(12) *To be informed, upon request, of the conviction, sentence, place and*

*time of incarceration, or other disposition of the defendant, the scheduled release date of the defendant, and the release of or the escape by the defendant from custody.*

(13) ~~To Restitution~~ *restitution.*

(A) It is the unequivocal intention of the People of the State of California that all persons who suffer losses as a result of criminal activity shall have the right to *seek and secure* restitution from the persons convicted of the crimes ~~for causing the losses they suffer.~~

(B) Restitution shall be ordered from the convicted persons ~~wrongdoer~~ in every case, regardless of the sentence or disposition imposed, in which a crime victim suffers a loss, ~~unless compelling and extraordinary reasons exist to the contrary.~~ The Legislature shall adopt provisions to implement this section ~~during the calendar year following adoption of this section.~~

(C) ~~All monetary payments, monies, and property collected from any person who has been ordered to make restitution shall be first applied to pay the amounts ordered as restitution to the victim.~~

(14) *To the prompt return of property when no longer needed as evidence.*

(15) *To be informed of all parole procedures, to participate in the parole process, to provide information to the parole authority to be considered before the parole of the offender, and to be notified, upon request, of the parole or other release of the offender.*

(16) *To have the safety of the victim, the victim's family, and the general public considered before any parole or other post-judgment release decision is made.*

(17) *To be informed of the rights enumerated in paragraphs (1) through (16).*

(c) (1) *A victim, the retained attorney of a victim, a lawful representative of the victim, or the prosecuting attorney upon request of the victim, may enforce the rights enumerated in subdivision (b) in any trial or appellate court with jurisdiction over the case as a matter of right. The court shall act promptly on such a request.*

(2) *This section does not create any cause of action for compensation or damages against the State, any political subdivision of the State, any officer, employee, or agent of the State or of any of its political subdivisions, or any officer or employee of the court.*

(d) *The granting of these rights to victims shall not be construed to deny or disparage other rights possessed by victims. The court in its discretion may extend the right to be heard at sentencing to any person harmed by the defendant. The parole authority shall extend the right to be heard at a parole hearing to any person harmed by the offender.*

(e) *As used in this section, a "victim" is a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act. The term "victim" also includes the person's spouse, parents, children, siblings, or guardian, and includes a lawful representative of a crime victim who is deceased, a minor, or physically or psychologically incapacitated. The term "victim" does not include a person in custody for an offense, the accused, or a person whom the court finds would not act in the best interests of a minor victim.*

(f) *In addition to the enumerated rights provided in subdivision (b) that are personally enforceable by victims as provided in subdivision (c), victims of crime have additional rights that are shared with all of the People of the State of California. These collectively held rights include, but are not limited to, the following:*

(1) *Right to Safe Schools.* All students and staff of public primary, elementary, junior high, and senior high schools, and community colleges, colleges, and universities have the inalienable right to attend campuses which are safe, secure and peaceful.

(2) *Right to Truth-in-Evidence.* Except as provided by statute hereafter enacted by a two-thirds vote of the membership in each house of the Legislature, relevant evidence shall not be excluded in any criminal proceeding, including pretrial and post conviction motions and hearings, or in any trial or hearing of a juvenile for a criminal offense, whether heard in juvenile or adult court. Nothing in this section shall affect any existing statutory rule of evidence relating to privilege or hearsay, or Evidence Code, Sections 352, 782 or 1103. Nothing in this section shall affect any existing statutory or constitutional right of the press.

(e) (3) *Public Safety Bail.* A person may be released on bail by sufficient sureties, except for capital crimes when the facts are evident or the presumption great. Excessive bail may not be required. In setting, reducing or denying bail, the judge or magistrate shall take into consideration the protection of the public, *the safety of the victim*, the seriousness of the offense charged, the

previous criminal record of the defendant, and the probability of his or her appearing at the trial or hearing of the case. Public safety *and the safety of the victim* shall be the primary ~~consideration~~ *considerations*.

A person may be released on his or her own recognizance in the court's discretion, subject to the same factors considered in setting bail. ~~However, no person charged with the commission of any serious felony shall be released on his or her own recognizance.~~

Before any person arrested for a serious felony may be released on bail, a hearing may be held before the magistrate or judge, and the prosecuting attorney *and the victim* shall be given notice and reasonable opportunity to be heard on the matter.

When a judge or magistrate grants or denies bail or release on a person's own recognizance, the reasons for that decision shall be stated in the record and included in the court's minutes.

(4) ~~Use of Prior Convictions.~~ Any prior felony conviction of any person in any criminal proceeding, whether adult or juvenile, shall subsequently be used without limitation for purposes of impeachment or enhancement of sentence in any criminal proceeding. When a prior felony conviction is an element of any felony offense, it shall be proven to the trier of fact in open court.

(5) *Truth in Sentencing.* Sentences that are individually imposed upon convicted criminal wrongdoers based upon the facts and circumstances surrounding their cases shall be carried out in compliance with the courts' sentencing orders, and shall not be substantially diminished by early release policies intended to alleviate overcrowding in custodial facilities. The legislative branch shall ensure sufficient funding to adequately house inmates for the full terms of their sentences, except for statutorily authorized credits which reduce those sentences.

(6) *Reform of the parole process.* The current process for parole hearings is excessive, especially in cases in which the defendant has been convicted of murder. The parole hearing process must be reformed for the benefit of crime victims.

(g) As used in this article, the term "serious felony" is any crime defined in subdivision (c) of ~~Penal Code~~, Section 1192.7(c) of the Penal Code, or any successor statute.

## SECTION 5. VICTIMS' RIGHTS IN PAROLE PROCEEDINGS

SECTION 5.1. Section 3041.5 of the Penal Code is amended to read:

3041.5. (a) At all hearings for the purpose of reviewing a prisoner's parole suitability, or the setting, postponing, or rescinding of parole dates, the following shall apply:

(1) At least 10 days prior to any hearing by the Board of ~~Prison Terms~~ *Parole Hearings*, the prisoner shall be permitted to review his or her file which will be examined by the board and shall have the opportunity to enter a written response to any material contained in the file.

(2) The prisoner shall be permitted to be present, to ask and answer questions, and to speak on his or her own behalf. *Neither the prisoner nor the attorney for the prisoner shall be entitled to ask questions of any person appearing at the hearing pursuant to subdivision (b) of Section 3043.*

(3) Unless legal counsel is required by some other provision of law, a person designated by the Department of Corrections shall be present to insure that all facts relevant to the decision be presented, including, if necessary, contradictory assertions as to matters of fact that have not been resolved by departmental or other procedures.

(4) The prisoner *and any person described in subdivision (b) of Section 3043* shall be permitted to request and receive a stenographic record of all proceedings.

(5) If the hearing is for the purpose of postponing or rescinding of parole dates, the prisoner shall have rights set forth in paragraphs (3) and (4) of subdivision (c) of Section 2932.

(6) *The board shall set a date to reconsider whether an inmate should be released on parole that ensures a meaningful consideration of whether the inmate is suitable for release on parole.*

(b) (1) Within 10 days following any meeting where a parole date has been set, the board shall send the prisoner a written statement setting forth his or her parole date, the conditions he or she must meet in order to be released on the date set, and the consequences of failure to meet those conditions.

(2) Within 20 days following any meeting where a parole date has not been set ~~for the reasons stated in subdivision (b) of Section 3041~~, the board shall send the prisoner a written statement setting forth the reason or reasons for refusal to set a parole date, and suggest activities in which he or she might participate that will benefit him or her while he or she is incarcerated.

(3) ~~The board shall hear each case annually thereafter, except the board may~~

schedule the next hearing ~~no later than the following~~, after considering the views and interests of the victim, as follows:

(A) ~~Two years after any hearing at which parole is denied if the board finds that it is not reasonable to expect that parole would be granted at a hearing during the following year and states the bases for the finding. Fifteen years after any hearing at which parole is denied, unless the board finds by clear and convincing evidence that the criteria relevant to the setting of parole release dates enumerated in subdivision (a) of Section 3041 are such that consideration of the public and victim's safety does not require a more lengthy period of incarceration for the prisoner than 10 additional years.~~

(B) ~~Up to five years after any hearing at which parole is denied if the prisoner has been convicted of murder, and the board finds that it is not reasonable to expect that parole would be granted at a hearing during the following years and states the bases for the finding in writing. If the board defers a hearing five years, the prisoner's central file shall be reviewed by a deputy commissioner within three years at which time the deputy commissioner may direct that a hearing be held within one year. The prisoner shall be notified in writing of the deputy commissioner's decision. The board shall adopt procedures that relate to the criteria for setting the hearing between two and five years. Ten years after any hearing at which parole is denied, unless the board finds by clear and convincing evidence that the criteria relevant to the setting of parole release dates enumerated in subdivision (a) of Section 3041 are such that consideration of the public and victim's safety does not require a more lengthy period of incarceration for the prisoner than seven additional years.~~

(C) ~~Three years, five years, or seven years after any hearing at which parole is denied, because the criteria relevant to the setting of parole release dates enumerated in subdivision (a) of Section 3041 are such that consideration of the public and victim's safety requires a more lengthy period of incarceration for the prisoner, but does not require a more lengthy period of incarceration for the prisoner than seven additional years.~~

(4) ~~The board may in its discretion, after considering the views and interests of the victim, advance a hearing set pursuant to paragraph (3) to an earlier date, when a change in circumstances or new information establishes a reasonable likelihood that consideration of the public and victim's safety does not require the additional period of incarceration of the prisoner provided in paragraph (3).~~

~~(5) Within 10 days of any board action resulting in the postponement of a previously set parole date, the board shall send the prisoner a written statement setting forth a new date and the reason or reasons for that action and shall offer the prisoner an opportunity for review of that action.~~

~~(6) Within 10 days of any board action resulting in the rescinding of a previously set parole date, the board shall send the prisoner a written statement setting forth the reason or reasons for that action, and shall schedule the prisoner's next hearing within 12 months and in accordance with paragraph (2) (3).~~

(c) ~~The board shall conduct a parole hearing pursuant to this section as a de novo hearing. Findings made and conclusions reached in a prior parole hearing shall be considered in but shall not be deemed to be binding upon subsequent parole hearings for an inmate, but shall be subject to reconsideration based upon changed facts and circumstances. When conducting a hearing, the board shall admit the prior recorded or memorialized testimony or statement of a victim or witness, upon request of the victim or if the victim or witness has died or become unavailable. At each hearing the board shall determine the appropriate action to be taken based on the criteria set forth in paragraph (3) of subdivision (a) of Section 3041.~~

(d) (1) ~~An inmate may request that the board exercise its discretion to advance a hearing set pursuant to paragraph (3) of subdivision (b) to an earlier date, by submitting a written request to the board, with notice, upon request, and a copy to the victim which shall set forth the change in circumstances or new information that establishes a reasonable likelihood that consideration of the public safety does not require the additional period of incarceration of the inmate.~~

(2) ~~The board shall have sole jurisdiction, after considering the views and interests of the victim to determine whether to grant or deny a written request made pursuant to paragraph (1), and its decision shall be subject to review by a court or magistrate only for a manifest abuse of discretion by the board. The board shall have the power to summarily deny a request that does not comply with the provisions of this subdivision or that does not set forth a change in circumstances or new information as required in paragraph (1) that in the judgment of the board is sufficient to justify the action described in paragraph (4) of subdivision (b).~~

(3) ~~An inmate may make only one written request as provided in paragraph (1) during each three-year period. Following either a summary denial of a request made pursuant to paragraph (1), or the decision of the board after a hearing described in subdivision (a) to not set a parole date, the inmate shall not be entitled to submit another request for a hearing pursuant to subdivision (a) until a three-year period of time has elapsed from the summary denial or decision of the board.~~

SECTION 5.2. Section 3043 of the Penal Code is amended to read:

3043. (a) (1) Upon request, notice of any hearing to review or consider the parole suitability or the setting of a parole date for any prisoner in a state prison shall be sent by the Board of Prison Terms Parole Hearings at least 30 90 days before the hearing to any victim of a ~~any~~ crime committed by the prisoner, or to the next of kin of the victim if the victim has died, ~~to include the commitment crimes, determinate term commitment crimes for which the prisoner has been paroled, and any other felony crimes or crimes against the person for which the prisoner has been convicted.~~ The requesting party shall keep the board apprised of his or her current mailing address.

(2) ~~No later than 30 days prior to the date selected for the hearing, any person, other than the victim, entitled to attend the hearing shall inform the board of his or her intention to attend the hearing and the name and identifying information of any other person entitled to attend the hearing who will accompany him or her.~~

(3) ~~No later than 14 days prior to the date selected for the hearing, the board shall notify every person entitled to attend the hearing confirming the date, time, and place of the hearing.~~

(b) (1) The victim, next of kin, ~~two~~ members of the victim's immediate family, or ~~and~~ two representatives designated for a particular hearing by the victim or, in the event the victim is deceased or incapacitated, by the next of kin ~~in writing prior to the hearing as provided in paragraph (2) of this subdivision~~ have the right to appear, personally or by counsel, at the hearing and to adequately and reasonably express his, her, or their views concerning the prisoner and the case, including, but not limited to the commitment crimes, determinate term commitment crimes for which the prisoner has been paroled, any other felony crimes or crimes against the person for which the prisoner has been convicted, the effect of the enumerated crimes on the victim and the family of the victim, ~~crime and~~ the person responsible for these enumerated crimes, and the suitability of the prisoner for parole. ~~except that~~

(2) ~~any~~ Any statement provided by a representative designated by the victim or next of kin may cover any subject about which the victim or next of kin has the right to be heard including any recommendation regarding the granting of parole. ~~shall be limited to comments concerning the effect of the crime on the victim. The representatives shall be designated by the victim or, in the event that the victim is deceased or incapacitated, by the next of kin. They shall be designated in writing for the particular hearing prior to the hearing.~~

(c) A representative designated by the victim or the victim's next of kin for purposes of this section may be any adult person selected by the victim or the family of the victim ~~must be either a family or household member of the victim.~~ The board may not shall permit a representative designated by the victim or the victim's next of kin to attend a particular hearing, to provide testimony at a hearing, or and to submit a statement to be included in the hearing as provided in Section 3043.2, even though if the victim, next of kin, or a member of the victim's immediate family is present at the hearing, or if and even though the victim, next of kin, or a member of the victim's immediate family has submitted a statement as described in Section 3043.2.

(d) ~~Nothing in this section is intended to allow the board to permit a victim's representative to attend a particular hearing if the victim, next of kin, or a member of the victim's immediate family is present at any hearing covered in this section, or if the victim, next of kin, or member of the victim's immediate family has submitted a written, audiotaped, or videotaped statement.~~

(e) The board, in deciding whether to release the person on parole, shall consider the entire and uninterrupted statements of the victim or victims, next of kin, immediate family members of the victim, and the designated representatives of the victim or next of kin, if applicable, made pursuant to this section and shall include in its report a statement of whether the person would pose a threat to public safety if released on parole.

in

(e) In those cases where there are more than two immediate family members of the victim who wish to attend any hearing covered in this section, the board may, in its discretion, shall allow attendance of additional immediate family members or limit attendance to the following order of preference to include the following: spouse, children, parents, siblings, grandchildren, and grandparents.

~~The provisions of this section shall not be amended by the Legislature except by statute passed in each house by rollcall vote entered in the journal, two-thirds of the membership concurring, or by a statute that becomes effective only when approved by the electors.~~

SECTION 5.3. Section 3044 is added to the Penal Code, to read:

3044. (a) Notwithstanding any other law, the Board of Parole Hearings or its successor in interest shall be the state's parole authority and shall be responsible for protecting victims' rights in the parole process. Accordingly, to protect a victim from harassment and abuse during the parole process, no person paroled from a California correctional facility following incarceration for an offense committed on or after the effective date of this act shall, in the event his or her parole is revoked, be entitled to procedural rights other than the following:

(1) A parolee shall be entitled to a probable cause hearing no later than 15 days following his or her arrest for violation of parole.

(2) A parolee shall be entitled to an evidentiary revocation hearing no later than 45 days following his or her arrest for violation of parole.

(3) A parolee shall, upon request, be entitled to counsel at state expense only if, considering the request on a case-by-case basis, the board or its hearing officers determine:

(A) The parolee is indigent; and

(B) Considering the complexity of the charges, the defense, or because the parolee's mental or educational capacity, he or she appears incapable of speaking effectively in his or her own defense.

(4) In the event the parolee's request for counsel, which shall be considered on a case-by-case basis, is denied, the grounds for denial shall be stated succinctly in the record.

(5) Parole revocation determinations shall be based upon a preponderance of evidence admitted at hearings including documentary evidence, direct testimony, or hearsay evidence offered by parole agents, peace officers, or a victim.

(6) Admission of the recorded or hearsay statement of a victim or percipient witness shall not be construed to create a right to confront the witness at the hearing.

(b) The board is entrusted with the safety of victims and the public and shall make its determination fairly, independently, and without bias and shall not be influenced by or weigh the state cost or burden associated with just decisions. The board must accordingly enjoy sufficient autonomy to conduct unbiased hearings, and maintain an independent legal and administrative staff. The board shall report to the Governor.

#### SECTION 6. NOTICE OF VICTIMS' BILL OF RIGHTS

SECTION 6.1. Section 679.026 is added to the Penal Code, to read:

679.026. (a) It is the intent of the people of the State of California in enacting this section to implement the rights of victims of crime established in Section 28 of Article I of the California Constitution to be informed of the rights of crime victims enumerated in the Constitution and in the statutes of this state.

(b) Every victim of crime has the right to receive without cost or charge a list of the rights of victims of crime recognized in Section 28 of Article I of the California Constitution. These rights shall be known as "Marsy Rights."

(c) (1) Every law enforcement agency investigating a criminal act and every agency prosecuting a criminal act shall, as provided herein, at the time of initial contact with a crime victim, during follow-up investigation, or as soon thereafter as deemed appropriate by investigating officers or prosecuting attorneys, provide or make available to each victim of the criminal act without charge or cost a "Marsy Rights" card described in paragraphs (3) and (4).

(2) The victim disclosures required under this section shall be available to the public at a state funded and maintained Web site authorized pursuant to Section 14260 of the Penal Code to be known as "Marsy's Page."

(3) The Attorney General shall design and make available in ".pdf" or other imaging format to every agency listed in paragraph (1) a "Marsy Rights" card, which shall contain the rights of crime victims described in subdivision (b) of Section 28 of Article I of the California Constitution, information on the means by which a crime victim can access the web page described in paragraph (2), and a toll-free telephone number to enable a crime victim to contact a local victim's assistance office.

(4) Every law enforcement agency which investigates criminal activity shall, if provided without cost to the agency by any organization classified as a nonprofit organization under paragraph (3) of subdivision (c) of Section 501 of the Internal Revenue Code, make available and provide to every crime victim a "Victims' Survival and Resource Guide" pamphlet and/or video that has been approved by the Attorney General. The "Victims' Survival and

Resource Guide" and video shall include an approved "Marsy Rights" card, a list of government agencies, nonprofit victims' rights groups, support groups, and local resources that assist crime victims, and any other information which the Attorney General determines might be helpful to victims of crime.

(5) Any agency described in paragraph (1) may in its discretion design and distribute to each victim of a criminal act its own Victims' Survival and Resource Guide and video, the contents of which have been approved by the Attorney General, in addition to or in lieu of the materials described in paragraph (4).

#### SECTION 7. CONFLICTS WITH EXISTING LAW

It is the intent of the People of the State of California in enacting this act that if any provision in this act conflicts with an existing provision of law which provides for greater rights of victims of crime, the latter provision shall apply.

#### SECTION 8. SEVERABILITY

If any provision of this act, or part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional, the remaining provisions which can be given effect without the invalid or unconstitutional provision or application shall not be affected, but shall remain in full force and effect, and to this end the provisions of this act are severable.

#### SECTION 9. AMENDMENTS

The statutory provisions of this act shall not be amended by the Legislature except by a statute passed in each house by roll-call vote entered in the journal, three-fourths of the membership of each house concurring, or by a statute that becomes effective only when approved by the voters. However, the Legislature may amend the statutory provisions of this act to expand the scope of their application, to recognize additional rights of victims of crime, or to further the rights of victims of crime by a statute passed by a majority vote of the membership of each house.

#### SECTION 10. RETROACTIVITY

The provisions of this act shall apply in all matters which arise and to all proceedings held after the effective date of this act.

## PROPOSITION 10

This initiative measure is submitted to the people in accordance with the provisions of Article II, Section 8, of the California Constitution.

This initiative measure adds sections to the Public Resources Code; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

#### PROPOSED LAW

### THE CALIFORNIA RENEWABLE ENERGY AND CLEAN ALTERNATIVE FUEL ACT.

#### SECTION 1. Title.

This measure shall be known and may be cited as "The California Renewable Energy and Clean Alternative Fuel Act."

#### SECTION 2. Findings and declarations.

The people of California find and declare the following:

A. California's excessive dependence on petroleum products threatens our health, our environment, our economy and our national security.

B. Transportation accounts for 40 percent of California's annual greenhouse gas emissions, and we rely on petroleum-based fuels for an overwhelming 96 percent of our transportation needs. This petroleum dependency contributes to climate change and leaves workers, consumers and businesses vulnerable to price spikes from an unstable energy market.

C. The landmark California Global Warming Solutions Act of 2006 requires California to reduce statewide greenhouse gas emissions to 1990 levels by 2020.

D. Governor Schwarzenegger has issued an executive order establishing a groundbreaking low carbon fuel standard that will reduce the carbon intensity of California's passenger vehicle fuels by at least 10 percent by 2020. This standard is expected to triple the state's renewable fuels market and put 20 times the number of alternative fuel or hybrid vehicles on our roads.

E. Government should provide public funds to meet these policy goals by creating incentives for businesses and consumers to conserve energy and use alternative energy sources.

F. A comprehensive alternative energy strategy must be implemented. This strategy should concentrate on three areas: renewable electricity generation, clean alternative fuels for transportation, and energy efficiency

# **EXHIBIT 2A**

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## Reasons why not to vote for Prop 9

### Prop. 9 is expensive.

California is currently facing a multi-billion fiscal crisis. Prop. 9 would potentially cost the state General Fund “hundreds of millions of dollars annually” according to the independent Legislative Analyst’s office, threatening funding for schools, public health and other public safety services.

For every \$500 million Prop. 9 takes away from other programs, Californians lose:

Schooling for nearly 57,500 K-12 students, or a full year of salary for about 7,500 elementary schoolteachers.

Healthcare for half of California’s 800,000 children without health insurance.

Nursing home care for nearly 19,000 elderly persons on Medi-Cal.

Funding for thousands of firefighters.

### Prop 9 will negatively impact California’s most vulnerable citizens, our children.

### It threatens their futures, and the future of California.



#### Defeat Prop 9

Learn reasons why to vote no.



**DONATE TODAY**

# 35

**Newspapers say  
“NO” to Prop 9**

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Prop. 9 takes away from children today. It takes money away from schools, children's healthcare and other programs to incarcerate future criminals. Wouldn't it make sense to keep money in childhood development programs to deter them from a life of crime instead of create a new generation of criminals?

## **Prop 9 is an ineffective, redundant and costly attempt at reforming the California Justice System.**

### **It has no real accountability and is an unnecessary burden on California taxpayers.**

According to the Legislative Analyst's Office, the cost of incarcerating a single inmate is over \$46,000 per year. The California budget for 2007-08 included spending of \$8,563 per pupil in grades K-12 in our public schools. That means we're currently spending 5 times more for each inmate than we are for each school child. Prop. 9 will make this inequity worse by increasing the number of inmates without increasing safety.

Key provisions of Prop. 9 duplicate existing law, much of which was already approved by the voters in 1982 as Proposition 8, "the Victims Bill of Rights", or by other existing laws already enacted by the state.

These existing laws grant crime victims rights and protections including but not limited to the right to:

- be notified if their offender is released.
- have the public's safety including the victim considered when a court sets or denies bail.
- be notified and allowed to participate in the legal process including sentencing.
- be notified in advance of parole hearings, and assured the right to be heard. receive restitution.
- be notified of their rights... both the California Department of Corrections and Rehabilitation and the Attorney General's office already maintain websites, and the Victim' of Crime Resource Center is mandated to maintain a toll-free information service.

There are 33 California state prisons that house over 171,000 inmates, nearly twice as many inmates as they were designed to hold. Federal courts have found that California's inmate population is overcrowded in the state prisons. California taxpayers are faced with paying billions of dollars to build new prisons and jails and finding other ways to reduce overcrowding.

A federal judge has appointed a “receiver” for the prison medical care system because the state has failed to provide adequate medical care for prisoners. The receiver has established an \$8 billion price tag for improvements to the prison medical system over the next 5 years, and petitioned the judge to force California taxpayers to pay up, including \$3.1 billion in the current budget year.

Prop. 9 would make the problem worse by delaying parole hearings for up to 15 years, preventing responsible release programs, and increasing prison overcrowding without providing any funding to pay for any solutions. That means giving a priority to building new prisons and prison health care facilities instead of funding other critical services like education, children’s health care and other public safety programs like fire service and paramedics.

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# **EXHIBIT 2B**

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# 39

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# **EXHIBIT 3**

[https://www.bakersfield.com/archives/ballot-box-budgeting-vote-no-on-props-and/article\\_c36d5e03-4b59-5308-a3c6-dd44c03fb344.html](https://www.bakersfield.com/archives/ballot-box-budgeting-vote-no-on-props-and/article_c36d5e03-4b59-5308-a3c6-dd44c03fb344.html)

## Ballot-box budgeting: Vote NO on Props 6 and 9

By The Bakersfield Californian   Oct 8, 2008

The ink is still wet on the \$103.4 billion state budget that Gov. Schwarzenegger and legislators signed a couple of weeks ago, but we are now told California's financial house of cards is collapsing.

Blame the national credit crunch, the slowing economy, the housing meltdown and other factors.

Put it all together "and you have a situation where the budget we just passed will likely not last through January," Senate President Pro Tem Don Perata told *The San Francisco Chronicle*

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"We have to even make additional cuts as times go on because I think there will be even less revenue," Gov. Schwarzenegger warned Tuesday while addressing the American Magazine Conference in San Francisco.

Using gimmicks, accounting maneuvers and pure fiction, the budget deal theoretically closed a more than \$15 billion revenue hole. Most importantly at least for lawmakers it ended an 85-day stalemate and allowed legislators to go home and campaign for reelection.

But Gov. Schwarzenegger now has summoned legislative leaders back to Sacramento. California's finances are tanking. Likely a special session of the Legislature will be called to craft a new spending plan.

We can expect a new round in the standoff between Democratic legislators, who will resist more cuts and push to raise taxes, and Republican legislators, who will continue to fight tax increases.

This isn't going to be pretty. And the job of crafting a responsible, balanced budget has been made more difficult by years of "ballot-box budgeting" voter-approved measures that lock up revenues and mandate spending for special causes.

Voters are being asked to support even more ballot-box budgeting two crime-fighting measures on the Nov. 4 ballot that will lock up more of the state's shrinking tax dollars and mandate more spending.

Ballot-box budgeting is never responsible governance, but in these desperate economic times approving Propositions 6 and 9 would be pure insanity.

Proposition 6 is a dense crime-fighting initiative that does a lot of things, including increasing penalties for crimes, particularly gang-related crimes, and funding jail construction and local law enforcement programs. It's a Christmas wish list for law enforcement and prosecutors.

But this "wish list" does not come with any new revenue sources. It simply slices a larger piece from the state's shrinking budget pie.

It would require spending \$965 million next year and more in years ahead. That's a \$365 million increase 50 percent from last year's spending. The initiative guarantees increases for inflation.

The bottom line: Proposition 6 gives law enforcement and prosecutors a place at the head of the budget line, with a guaranteed level of funding. With its stiffer sentencing requirements and other tweaking of the criminal codes, it will increase crowding in California's already crowded prisons, further draining tax dollars.

Among those opposing Proposition 6 are California's teachers and firefighters, who also scramble for the scarce tax dollars to protect us from devastating fires and to educate our children.

Proposition 9 duplicates many of the victims' rights laws voters approved decades ago and simply moves them into the state constitution. In addition, it gives victims' families more input in court cases, more ability to collect restitution, limits parole hearings for offenders and limits the ability of offenders to compel evidence from victims.

Although many of the initiative's provisions are commendable, Proposition 9 has drawn opposition from several of California's sheriffs and county boards of supervisors because it will restrict the ability to release low-risk inmates to relieve jail overcrowding, even in the face of a federal court order.

As a result, Proposition 9 is expected to drain more tax dollars into the criminal justice system and away from other essential services, including fire protection.

Who doesn't want to be tough on criminals? But automatic spending on programs and measures that simply send more people to prison for longer periods of times doesn't make financial sense ever, but especially now.

Vote no on Propositions 6 and 9.

# **EXHIBIT 4**

**OPINION**

## **California Prop. 9 Editorial: Unnecessary tinkering with constitution**

By **ORANGE COUNTY REGISTER**

October 2, 2008 at 3:00 am

**0 COMMENTS**

It's not that the enhancements of crime victims' right contained in Proposition 9 are terribly objectionable. It's just that they don't seem especially necessary – and they could lead, as the independent Legislative Analyst says, to restrictions on efforts to relieve prison crowding that could cost taxpayers hundreds of millions of dollars annually.

Under the 1982 proposition called the Victims' Bill of Rights, victims of crime and family members of victims now have the right to be notified of, to attend, and to speak at sentencing and parole hearings. They also have the right to restitution for losses suffered as the result of crimes. Other laws give victims the right to obtain a judicial order of protection from harassment by a criminal defendant.

Prop. 9 would place those rights into the state constitution rather than into statutory law, the distinction being that the constitution is much more difficult to change if problems develop. It would also give crime victims and their families the constitutional right to prevent the release of certain documents to criminal defendants or their attorneys, and the right to refuse to be interviewed or provide pretrial testimony or other evidence to a defendant. The constitution would be changed to require judges to take the safety of victims into consideration when granting bail. It would make restitution the first priority when spending any money collected from defendants in the form of fines. It would also extend the time between parole hearings from the current one to five years to three to 15 years.

These sound like reasonable protections for victims of crimes – though most are already in place by statutory law. However, the issue is complicated by the fact that California's prisons, which cost taxpayers about \$10 billion a year, are now seriously crowded, and some are under the supervision of federal courts as a result. The Legislature and courts are considering measures to relieve crowding by releasing early those deemed least-dangerous, although the state hardly ever does that now. If Prop. 9 is passed, it could prevent such efforts, which is why the Legislative Analyst says it could end up costing taxpayers. Some of the provisions of the proposition could also be invalidated by federal courts.

The sky won't fall if Prop. 9 is passed, though it is likely to cost taxpayers a significant amount of money. With the "Three Strikes" law and the Crime Victims Bill of Rights, however, California already has some of the toughest laws in the country. On balance it just doesn't seem necessary to make them even tougher by passing this initiative. We urge a "no" vote.

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## Orange County Register



# **EXHIBIT 5**

## **Editorial: Flawed measures should be rejected**

Chico Enterprise-Record (California)

October 16, 2008 Thursday

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**Section:** EDITORIALS

**Length:** 752 words

**Byline:** Chico Enterprise-Record

### **Body**

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Our view: Propositions 2, 4, 5, 7, 8 and 9, the initiative version of special-interest legislation, all deserve no votes.

The right of Californians to put propositions on the ballot has largely degenerated to self-serving measures that either seek to tap the state treasury for some special interest, or give one faction's values the weight of being state law.

We discussed the money measures Wednesday, suggesting no votes on all the bonds and funding guarantees that weren't paid for by the beneficiaries.

Today, we take on the other six measures we haven't addressed yet the my-way-is-the-only-way proposals and our recommendation is simple: Vote no on all of them.

Those measures are Propositions 2, 4, 5, 7, 8 and 9.

Proposition 2 sets standards for confining farm animals, and it will undoubtedly pass because voters will feel all warm and fuzzy about allowing egg-laying chickens room to stretch their wings, among other things.

But it won't do that. It'll just move the egg factories to neighboring states or Mexico, a nation known for food safety, and not in a good way.

Agriculture is already international. There are no commercial banana farms in California, but there are always bananas at the market. It'll be the same with eggs and veal when Proposition 2 passes. They'll be a little more expensive, and a little less sustainable if you were because of increased transportation needs.

California producers who aren't nimble enough to get out of state will be put out of business. In either case, they'll be gone, and their contributions to the state's economy will be gone as well.

Those of us who realize food doesn't come from a back room at Safeway should vote no on Proposition 2.

Proposition 4 requires a waiting period and parental notification before a minor can obtain an abortion. California voters rejected all but identical measures in 2005 and 2006, and should vote it down again in 2008.

Allison Macbeth

## Editorial: Flawed measures should be rejected

The proposal isn't about parental notification. It's about stopping abortion, and it won't do that. It'll just force teens underground. Vote no on Proposition 4.

Proposition 5 purports to be an expansion of drug rehabilitation programs, but is really a get-out-of-jail-free card for a whole class of criminals.

If someone burglarizes your house, stealing thousands of dollars of stuff, all the perpetrator has to do is claim the crime was to feed a drug habit, and he doesn't go to prison. Instead, he goes to a taxpayer-subsidized treatment program, with very lax accountability.

Further, it appears local jurisdictions will catch much of the billion-dollar-a-year cost of the measure. Successful programs like Butte County's drug court will suffer as limited funds have to be stretched over yet another program.

The measure is bad in so many ways, reducing parole terms for example. Vote no on Proposition 5.

Proposition 7 seems to require quicker expansion of renewable energy, but it's so badly written and so full of loopholes that it doesn't really require anything of the kind.

What it seems likely to do is increase energy bills by messing up the energy market, disrupt current efforts toward more renewable energy, and drive small power companies out of the state.

It's all punitive do this or else without addressing the barriers toward cleaner power. Vote no on Proposition 7.

Proposition 8 would overturn the right of same-sex couples to marry, getting around the pesky little constitutional requirement of equal treatment for all by amending the constitution.

We still fail to understand why this is the government's business, and the proponents' arguments just don't catch much traction with us. How can preventing some people from marrying protect marriage? Wouldn't banning divorce be better?

The arguments against same-sex marriages seem close to arguments against mixed-race marriages you'd hear back in the '60s. Hopefully we'll get beyond all that some day. Vote no on Proposition 8.

Proposition 9 is an expansion of victim's rights, but goes a bit far. It allows victims to comment during all phases of the criminal justice system, including events like bail-setting hearings, before a suspect has even been convicted of a crime and is, under the law, innocent.

The cost is estimated in the hundreds of millions, and doesn't seem to increase protection of victims that much. Vote no on Proposition 9.

To review our three days of endorsements on the propositions: We think the last two propositions on the ballot, 11 and 12, are the only two worth supporting.

Coming Friday: Chico City Council.

**Load-Date:** October 16, 2008

Editorial: Flawed measures should be rejected

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End of Document

# **EXHIBIT 6**

NEWS

## Editorial: Proposition endorsements

By **MONTEREY HERALD** |

PUBLISHED: October 17, 2008 at 12:00 am | UPDATED: September 12, 2018 at 12:00 am



### Proposition 1A: High-speed rail

High-speed rail should have happened in California long ago. Better late than never. The measure authorizes bonds to finance roughly 20 percent of the \$45 billion project. It's an expensive way to help ease our reliance on foreign oil, but it beats off-shore drilling. Key endorsements: Democratic Party, California Highway Patrol, California Federation of Teachers, California Labor Federation, League of Conservation Voters, League of Women Voters. Key opposition: GOP, California Chamber of Commerce, Libertarian Party, Howard Jarvis Taxpayers Association. **YES**

### Proposition 2: Treatment of farm animals

Despite the emotional appeal of efforts to curb animal cruelty, this one provides little real protection beyond existing law and would simply prompt some farmers to leave the state. Consumer pressure ultimately could prove more effective. Key supporters: Democratic Party, Green Party, various humane organizations. Key opposition: GOP, California Chamber of Commerce, most farm groups. **NO**

**Proposition 3: Bonds for children's hospitals**

Selling nearly \$1 billion in bonds to improve pediatric hospitals makes little sense considering money remains from previous bond issues and this one would drain even more money from schools. Key supporters: Democratic Party, California Chamber of Commerce, California Federation of Teachers, League of Women Voters. Key opposition: GOP, Green Party, Libertarian Party. **NO**

**Proposition 4: Parental notification about abortion**

This proposed constitutional amendment is another barely disguised effort to erode abortion rights. California voters defeated similar propositions in 2005 and 2006. Other states with notification laws have seen an increase in second-trimester abortions because of postponed decisions. **NO**

**Proposition 5: Rehabilitation of nonviolent criminal offenders**

Diverting nonviolent offenders to treatment makes sense, as Proposition 36 programs have demonstrated, but this one would let various offenders, including those charged with domestic violence, escape punishment by convincing the court that drug use motivated their actions. Key endorsements: Democratic Party, League of Women Voters, California Nurses Association, NAACP, ACLU, California Labor Federation. Key opposition: GOP, many law enforcement organizations. **NO**

**Proposition 6: Public safety spending and criminal penalties**

Requiring the state to spend more on law enforcement and prisons would make sense if the Department of Corrections could demonstrate it was up to the challenge. It isn't, so there are better places to spend taxpayer dollars. Key supporters: GOP, various law enforcement groups. Key opposition: Democratic Party, California Professional Firefighters, California Labor Federation, California Teachers Association, National Organization for Women, Los Angeles City Council, League of Women Voters. **NO**

**Proposition 7: Renewable energy**

Would require all electric utility companies to generate at least 20 percent of the electricity they sell from renewable resources by 2010 and to increase to 50 percent by 2025. Laudable, but it tries to do too much too expensively and leaves some small power producers out of the equation. It has little meaningful support and is opposed by the Democratic Party, the GOP, California Taxpayers Association, League of California Cities, Sierra Club, League of Conservation Voters, California Solar Energy Industries Association and Union of Concerned Scientists. **NO**

**Proposition 8: Ban on gay marriage**

The California Supreme Court, not known for judicial activism, was right when it ruled in May that California's ban on same-sex marriage amounted to unconstitutional discrimination. Voters approved the ban in 2000, but the high court correctly found that voters have no more right to ban gay marriage than to ban interracial marriage.

Despite the campaign ads, current legal recognition of same-sex marriage does not require churches to perform same-sex ceremonies and does not require schools to sanction the concept. **NO**

**Proposition 9: Victims' rights**

Would add some new rights for crime victims. Victims' safety would have to be taken into account when deciding bail or parole. Proposition 9 would change the state Constitution to stop prisons and jails from letting offenders out early to reduce overcrowding. It also would increase the time some prisoners wait for their parole hearing.

Proponents say it will keep politicians from freeing dangerous prisoners early to reduce crowding. Unfortunately, there is no way to pay for the additional prison space. And, because it is a constitutional amendment, the Legislature would have a much harder time making even minor changes in sentencing and restitution law. Key supporters include the GOP, various victims' groups and the Farm Bureau. Opposition mainly from various labor unions. **NO**

**Proposition 10: Alternative fuels**

It sounds great on paper, \$5 billion for "alternative fuel and renewable energy," but much of the money would go straight to Texas oil billionaire T. Boone Pickens, who is big in natural gas and who has been the sole financial backer of this proposition. It puts too much emphasis on natural gas, not a renewable fuel.

Opposed by everyone from the state Chamber of Commerce to the Sierra Club. **NO**

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### **Proposition 11: Redistricting**

Every 10 years, the state Legislature performs the political task of drawing district maps for California's legislative seats. Proposition 11 would give most of the job to a 14-member commission made up of voters (five Democrats, five Republicans and four members who do not belong to either major party). It would leave the state Legislature in charge of redrawing the maps for congressional seats.

It's a giant improvement over the current method, which gives the parties and incumbents incredible self-perpetuating powers. It is endorsed by just about everyone except the Democratic Party, which controls the current system. **YES**

### **Proposition 12: Bonds for Veterans' home loans**

Would allow the state to sell \$900 million in bonds to provide more money for the Cal-Vet home mortgage program. It would provide loans for at least 3,600 veterans at negligible cost. **YES**



**Monterey Herald**



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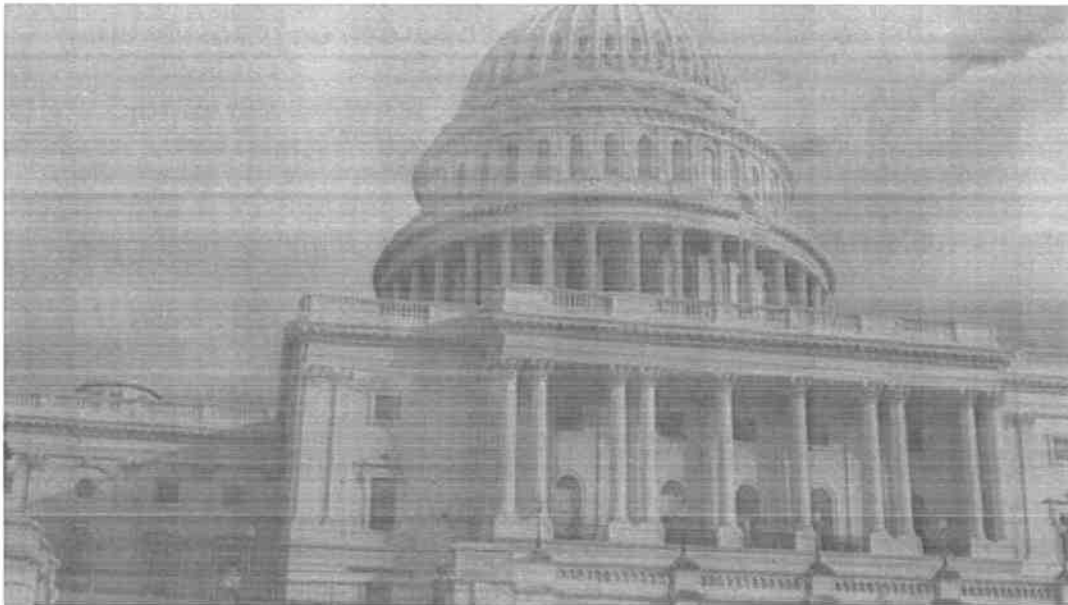


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# **EXHIBIT 7**

# Give victims a voice, vote YES on Prop 9

*by Indy Oct 2, 2008*



Voting “yes” on Proposition 9 would expand the constitutional rights of crime victims to equal those already granted by the state to criminals. By preventing the release of personal and confidential records to criminal defendants and forcing judges to consider the safety of victims and their family’s when making bail decisions for the accused, victims would be more secure against retributive acts by criminals. Proposition 9 would allow victims (with an expanded role given to family members) to participate in any public criminal proceedings. The initiative mandates justice by guaranteeing

restitution payments after suffering a loss because of a crime and secures those funds to them first before restitution monies can be apportioned to pay for other administrative fees.

Inmates serving life sentences, after being denied parole, would generally have to serve a longer interim term before the next parole hearing, thereby lessening the taxpayer burden on parole hearing fees. This would give California's budget "potential net savings in the low tens of millions of dollars." The amendment would streamline the parole process by considering the merits of giving legal counsel to parolees facing a parole revocation on a case by case basis, further mitigating taxpayer liability. Prop. 9 would effectively prevent politicians from releasing inmates early simply to ease overcrowding in the prison system.

Story continues below ▼



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The initiative would also require that victims receive, in writing, notice of their constitutional rights. NVCAP, a 501(c)(4) organization supporting the adoption of an amendment to the U.S. Constitution to uphold the fair and just treatment of crime victims in criminal proceedings claims, “Marsy’s law will restore to victims an independent voice in a system that for too long has marginalized and silenced them.”

## About the Author

### Indy

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# **EXHIBIT 8**

# Victims deserve rights -- yes on Prop. 9

By **LaWanda Hawkins**

OCTOBER 2, 2008

**I**t shouldn't be a surprise to those of us who have been victims, lost loved ones through violent crime or advocated on behalf of crime victims that The Times **opposes Proposition 9**, also known as "Marsy's Law: The Crime Victims' Bill of Rights Act of 2008." Even the sub-headline -- "Prop. 9 constitutionally upends the criminal justice system by involving victims' families in prosecutions" -- equates victims' voices in the criminal justice process with pandemonium.

The Times shows an almost callous indifference toward crime victims, stating that their participation in a case as witnesses or observers in the courtroom to watch the proceedings -- or even speak at parole hearings -- is somehow inappropriate. Also disturbing is the implication that a victim's desire to advocate for justice for a loved one is based solely on retribution and vendettas, as if judges and juries weren't ultimately the ones who make the decisions.

The average voter will see past The Times' rhetoric and support Proposition 9 for several reasons.

**California** crime victims deserve the same constitutional rights currently provided only to those accused or convicted of a crime. Victims' rights are only statutory, which means, from a legal and practical perspective, that their rights do not have priority.

California crime victims deserve basic rights, including the right to information and notification of critical proceedings related to the crime and parole hearings as well as the right to be heard. Proposition 9 would require that victims' and their families' safety be considered by judges making bail decisions, and that crime victims be notified if their offenders are released. It would also guarantee victims the constitutional right to prevent the release of their personal confidential information or records to criminal defendants.

Proposition 9 also calls for a more effective California parole system that provides commissioners with the flexibility to increase the number of years between hearings for those who have already earned a "life sentence," thereby streamlining the parole system and saving taxpayers' money.

Perhaps the most egregious example of the parole system's misuse is by **Charles Manson** followers Bruce Davis and Leslie Van Houten, both of whom were convicted of multiple brutal murders. Since their convictions, they have had a combined 38 parole hearings in 30 years. For each one of those 38 occasions, the victims' families had to relive the painful crimes and pay their own expenses to attend the hearings. Taxpayers have had to absorb the costs of each and every one of those hearings.

The simple act of increasing the number of years between parole hearings for some of California's worst offenders would alleviate an already overburdened system, ease the pain and suffering endured by victims and

their families and save taxpayers millions of dollars annually.

Finally, Proposition 9 would prevent politicians from releasing dangerous inmates to alleviate prison overcrowding and provide resources to keep Californians safe. This measure would require the state to fund proper inmate imprisonment for the full terms of their sentences, except for statutorily authorized credits that reduce those sentences. Proposition 9 would not in any way limit the ability of government or public safety officials to enact early release programs that are grounded in improving public safety.

While we all hope that others will never face the terrible crimes and tragedies that inspired this proposition, we know that ultimately these improvements to our justice system would make everyone in California a little safer.

*LaWanda Hawkins, chief executive of Southern California-based Justice for Murdered Children, became an advocate for crime victims after the murder of her only child, Reggie, in 1995.*

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**This article is related to:** [Crime, Law and Justice](#), [Crime, California](#), [Family](#), [Justice System](#), [Government](#), [Safety of Citizens](#)

# **EXHIBIT 9**

# Marsy's Law: The Crime Victims' Bill of Rights Act of 2008; Crime Victims Advocates and Law Enforcement Leaders Unite in Support of Prop. 9

## - Marsy's Law: the Crime Victims' Bill of Rights Act of 2008

Anonymous . Biotech Business Week ; Atlanta [Atlanta]06 Oct 2008: 1775.

[ProQuest document link](#)

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### ABSTRACT (ABSTRACT)

OCT 6 - (<<http://www.newsrx.com>> NewsRx.com) -- The Yes on Proposition 9 campaign - Marsy's Law: The Crime Victims' Bill of Rights Act of 2008 - announced a lengthy bipartisan list of supporters including crime victim advocates, district attorneys, sheriffs, police chiefs, labor, and concerned Californians from across the state and nation. Campaign leaders include Harriet Salarno, President of Crime Victims United of California, Statewide Chairman Assemblyman Todd Spitzer, Justice for Homicide Victims Co-Founder Marcella Leach, CEO of Justice for Murdered Children LaWanda Hawkins, Memory of Victims Everywhere Founder Collene Campbell, former Chairman of the California Board of Prison Terms Jim Nielsen and National President of Parents of Murdered Children Dan Levey.

### FULL TEXT

2008 OCT 6 - (<<http://www.newsrx.com>> NewsRx.com) -- The Yes on Proposition 9 campaign - Marsy's Law: The Crime Victims' Bill of Rights Act of 2008 - announced a lengthy bipartisan list of supporters including crime victim advocates, district attorneys, sheriffs, police chiefs, labor, and concerned Californians from across the state and nation. Campaign leaders include Harriet Salarno, President of Crime Victims United of California, Statewide Chairman Assemblyman Todd Spitzer, Justice for Homicide Victims Co-Founder Marcella Leach, CEO of Justice for Murdered Children LaWanda Hawkins, Memory of Victims Everywhere Founder Collene Campbell, former Chairman of the California Board of Prison Terms Jim Nielsen and National President of Parents of Murdered Children Dan Levey. Proposition 9 provides crime victims and their families with constitutional rights equal to those of accused and convicted criminals (see also <<http://www.newsrx.com/library/topics/Marsy's-Law:-The-Crime-Victims'-Bill-of-Rights-Act-of-2008.html>> Marsy's Law: The Crime Victims' Bill of Rights Act of 2008).

"California's constitution guarantees rights for the most heinous of offenders who commit deplorable acts against citizens of this State," Salarno said. "Prop. 9 levels the playing field by guaranteeing rights for crime victims, ending further victimization of innocent people by a system that frequently neglects, ignores and repeatedly punishes them. Furthermore, the provisions specifically related to parole will only affect 10 percent of the prison population - lifers, the most heinous offenders in our prisons."

The Constitution currently provides rights for those accused of committing crime and those convicted of crime but their victims do not have similar protections. Their rights are only "statutory," which means - from a legal and practical perspective - victims' rights are secondary.

"Too often in our criminal justice system, criminals accused and convicted of horrible crimes are provided more rights and respect than the victims of the crime," said Hawkins, a proponent of Prop. 9, who created Justice for Murdered Children after the brutal murder of her son Reggie in 1995. "Crime victims deserve better. They deserve the constitutional rights in Prop. 9," she continued.

Keywords: Marsy's Law: The Crime Victims' Bill of Rights Act of 2008, Commit, Drugs, Nicotine Polacrilex, Pharmaceuticals, Therapy, Treatment.

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# **EXHIBIT 10**

**NEWS**

# No on Proposition 9

By **LONG BEACH PRESS TELEGRAM** |

[presstelegram@dfmdev.com](mailto:presstelegram@dfmdev.com) |

PUBLISHED: October 4, 2008 at 12:00 am | UPDATED: September 1, 2017 at 8:06 am

0 COMMENTS

Proposition 9 on the Nov. 4 ballot would take the familiar Victims' Bill of Rights, approved by voters 26 years ago, and enshrine it in the state's Constitution. That's a nice thought, but unnecessary.

It also could cost several hundred million dollars, according to the state's Legislative Analyst.

Almost everything in Proposition 9 already is covered either by the Victims' Bill of Rights or by other state laws. The measure provides for notification of victims and their families of sentencing and parole hearings, establishes victims' safety as a consideration in granting bail or parole, increases the number of people permitted to testify on victims' behalf at parole hearings, reduces the allowable number of parole hearings, requires that victims get written notification of their rights, and tightens the timelines for parole hearings.

With few exceptions, those victims' rights already are in place. The problem with putting them into the Constitution is that any unintended consequences could be fixed only with difficulty, either by getting three-fourths approval in the Legislature or by putting it back on the ballot.

One of the unintended consequences was pointed out by the Legislative Analyst. Some of California's prisons are under federal control because of problems caused by overcrowding. One of the remedies could be to create an early-release program for inmates who are neither dangerous nor likely to become repeat offenders.

If this proposition blocked the Legislature from enacting an early-release program, it could end up costing the state hundreds of millions of dollars in lost savings on prison operations. Similarly, it also could result in increased costs in some county jail operations.

On the Nov. 4 ballot, most of the propositions deserve rejection, either because they are bad policy or were clumsily put together. Proposition 9 is neither, and there is no question that it was well intended.

But it also is totally unneeded and potentially harmful. We recommend voting no on Proposition 9.



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By ADTAXI - Adtaxi



To succeed in the ever-increasing competitive retail landscape,



# Long Beach Press Telegram

# **EXHIBIT 11**

## NEWS

# No on Propositions 5, 6 and 9

By **DAILY NEWS** | |

PUBLISHED: October 20, 2008 at 12:00 am | UPDATED: August 29, 2017 at 1:20 am



Propositions 5, 6 and 9 are all about the state's criminal justice system, yet if passed they would do more to harm public safety than help it.

Under Proposition 5, someone who sells drugs, steals your car or your identity, traffics in child pornography, sexually abuses a child or burns down the forest can escape criminal prosecution.

ADVERTISING

All they have to do is claim their drug addiction made them do it. And a judge will be prevented from sentencing them to jail time.

While we support the use of alternative sentencing for people who suffer from a drug addiction, criminals ought to be held accountable for their crimes. Unfortunately, this 36-page; single-spaced rewrite of drug sentencing, probation and parole laws is wasting space on the Nov. 4 ballot and is opposed by virtually every respectable law enforcement agency in the state.

Do our police and prosecutors a favor and reject it.

On the surface, Proposition 6 looks good for law and order. This sweeping measure by state Sen. George Runner tinkers with just about every problem with state law enforcement.

It increases penalties for gang members and illegal immigrant criminals, funds a GPS tracking system for paroled sex offenders, gives more money to fund public safety initiatives, like a statewide gang database, and helps build temporary jails.

The problem? It costs money to do all those things and the measure would encumber nearly a billion dollars of state funds, and could incur as much as \$365 million a year in new spending. One of the state's biggest problems right now is that it is saddled with too many spending obligations. This would force another one upon the state at a very bad time.

Proposition 9 would take the familiar Victims' Bill of Rights, approved by voters 26 years ago, and enshrine it in the state's constitution. That's a nice thought, but unnecessary. It could also be extremely expensive by increasing prison costs, according to the state's legislative analyst.

Most of the requirements in this proposition already exist in state law.

What's new is that the measure would give victims of crimes a say in every phase of the judicial process, not just parole or sentencing hearings. It would also ban the early release of any felon who hadn't served his or her full sentence – and that could create a nightmare for the state.

If this proposition blocked the Legislature from enacting an early release program, it could end up costing the state hundreds of millions of dollars in lost savings on prison operations. Similarly, it also could result in increased costs in some county jail operations if the state just shifts prisoners to county jails.

This terrible trio of propositions won't make California safer. It will create confusion, let criminals off the hook, tie the hands of law enforcement officials to follow their best judgment and cost the state millions that it doesn't have.

Just say no to Propositions 5, 6 and 9.



## Daily News



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### What are webrooming and showrooming?

By ADTAXI - Adtaxi



To succeed in the ever-increasing competitive retail landscape, retailers of all sizes need to embrace both...



# **EXHIBIT 12**

# Victims suffer injustice by system meant to protect them

Ramos, Michael . The Sun ; San Bernardino, Calif. [San Bernardino, Calif]29 Oct 2008.

[ProQuest document link](#)

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## ABSTRACT (ABSTRACT)

Written by crime victims, Proposition 9 - Marsy's Law - will provide victims with rights to justice and due process by creating a constitutional Crime Victims' Bill of Rights, streamline the parole system, and prevent politicians from releasing dangerous inmates solely to alleviate prison overcrowding, while ensuring resources to keep Californians safe without the state incurring additional costs.

Proposition 9 also addresses a needlessly and costly duplicative process by providing parole commissioners with the flexibility to increase the number of years between parole hearings for those who have already earned a "life sentence" thereby saving taxpayers millions of dollars every year.

The simple act of increasing the number of years between parole hearings for some of California's worst offenders - those serving a "life sentence" - would alleviate an already overburdened system, ease the pain and suffering endured by victims and their families and save taxpayers millions of dollars annually.

## FULL TEXT

The Sun's recent editorial on Proposition 9 left many crime victims, advocates and law-enforcement officials a little confused and truly disappointed.

On the one hand, the editorial seems to support the need to protect and preserve the rights of crime victims, but stops short by opposing the effort to ensure that those rights are elevated to the same stature and importance of those enjoyed by criminals.

Crime victims who have suffered through lengthy trials, pre-trial hearings, motions and parole hearings can attest to their status as second-class citizens in a justice system theoretically designed to aid and protect them.

Written by crime victims, Proposition 9 - Marsy's Law - will provide victims with rights to justice and due process by creating a constitutional Crime Victims' Bill of Rights, streamline the parole system, and prevent politicians from releasing dangerous inmates solely to alleviate prison overcrowding, while ensuring resources to keep Californians safe without the state incurring additional costs.

The Crime Victims' Bill of Rights provides what most would consider basic rights - the right to information and the right to be heard.

The measure requires that a victim and their family's safety be considered by judges making bail decisions for accused criminals and that crime victims be notified if their offender is released.

It also requires that victims be notified of parole hearings in advance to ensure they can attend and have a right to be heard, as well as ensuring that victims are notified and allowed to participate in critical proceedings related to the crime, including bail, plea bargain, sentencing and parole hearings.

Finally, victims will have a constitutional right to prevent the release of their personal confidential information or records to criminal defendants.

Proposition 9 also addresses a needlessly and costly duplicative process by providing parole commissioners with the flexibility to increase the number of years between parole hearings for those who have already earned a "life sentence" thereby saving taxpayers millions of dollars every year.

Perhaps the most egregious example of the system's misuse is by "Helter Skelter" inmates Bruce Davis and Leslie Van Houten.

Davis and Van Houten were followers of Charles Manson and convicted of multiple brutal murders. Since their conviction, they have had 38 parole hearings in 30 years - that's 38 times the families involved have been forced to relive the painful crime and pay their own expenses to attend the hearing, not to mention that taxpayers have had to absorb the costs of each and every one of those hearings.

The simple act of increasing the number of years between parole hearings for some of California's worst offenders - those serving a "life sentence" - would alleviate an already overburdened system, ease the pain and suffering endured by victims and their families and save taxpayers millions of dollars annually.

Finally, Proposition 9 prevents politicians from releasing dangerous inmates simply to alleviate prison overcrowding and ensures resources to keep Californians safe.

By eliminating the ability for the state to release dangerous criminals without any regard for their likelihood to reoffend once out of prison, Proposition 9 requires politicians to provide real solutions to solve our prison crisis and solutions that won't needlessly endanger our communities.

Proposition 9 does not in any way limit the ability of government or public-safety officials to enact early release programs that ensure the safety of our communities.

All sides can agree that the status quo doesn't work.

However, crime victims and their advocates know from experience that real solutions with lasting impacts must include true justice, due process for all and accountability - Proposition 9 ensures just that.

Join me in voting yes on Proposition 9!

Michael Ramos is San Bernardino County's district attorney.

## DETAILS

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# **EXHIBIT 13**

## Say 'No' to all propositions except 11 - WITH STATE BROKE AND INITIATIVE MACHINE RUN WILD, IT'S TIME TO REJECT BALLOT MEASURES

*Sacramento Bee, The (CA) - October 9, 2008*

- Edition: METRO FINAL
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If you're feeling a bit overwhelmed by the state propositions on the ballot this year, we share your pain.

The Nov. 4 menu features a dozen of these propositions. Lawmakers placed two of them on the ballot. The rest came from special interests that gathered the required signatures.

Like sweets in a bakery window, several of these propositions are tempting. Thus you may be inclined to vote "yes" on a grab bag of these propositions, assuming that someone else will pick up the bill.

Think again. This year, California faces an economic and political crisis unlike any in its modern history. Voters need to recognize the severity of this crisis and say "no" to all measures that could worsen the state's budget situation or push agendas unrelated to the state's broken governance.

They also should reflect on the original rationale for "direct democracy." In 1911, California Progressives added initiatives to the constitution to blunt the power of railroads and other moneyed interests. The initiative was conceived as a way to enact political reforms that elected lawmakers couldn't, or wouldn't, act upon.

Yet over the years, the powerhouses that were once targets of initiatives took control of the process. That's why we have initiatives on the ballot this year sponsored by out-of-state billionaires and groups that want the constitution to specify the size of chicken cages. The initiative industry is out of control, and voters need to send it the strongest possible message.

In that spirit, this page urges a "no" vote on all but one of the propositions. The exception is Proposition 11, which would reform how the state draws legislative districts every decade.

Currently, lawmakers have the power to draw their own districts, ensuring that incumbents are re-elected and that the status quo stays in place. Proposition 11 would end this conflict of interest and create a new independent commission to handle redistricting.

Prop. 11 is aligned with the original intent of direct democracy. All the other measures either fail that test or would worsen the state's budget crisis.

### PROPOSITION 1A

**Summary:** Would provide nearly \$10 billion in bonds for a high-speed rail network that would initially link the Bay Area, the Central Valley and Southern California.

**Why we oppose it:** Since this proposition was placed on the ballot by lawmakers, it meets one of our tests. Yet until California fixes its chronic budget deficits, it can't afford to increase its debt for projects that, while desirable, are not of vital necessity. In addition, the rail system that supporters are touting may not be as high-speed as advertised. Potential conflicts with freight service lines could make trains slower than those found in Europe or Japan.

This is a tough call. The state needs clean alternatives to air travel and freeway travel, and the Central Valley needs the economic development that could result. But if it passed, this proposition would take \$647 million annually from the general fund that, without a tax increase, would have to come from other services. That's money the state can't promise. Vote "no"

### PROPOSITION 2

**Summary:** Sponsored by the Humane Society, this proposition would outlaw caging practices that prevent farm animals from lying down, standing up, turning around or extending their limbs.

**Why we oppose it:** California doesn't have much of a pork or veal industry, so this measure would mainly affect caging of egg-laying hens. Supporters make persuasive arguments that current practices in the egg industry are inhumane. Unfortunately, the vagueness of the Prop. 2 ballot language has led some cage-free egg producers to oppose the measure, fearing their current practices would be outlawed.

While the Humane Society campaign has helped highlight conditions for farm animals, this proposition could prompt many egg producers

to relocate to outside states and Mexico, and ship eggs back to California. Such an outcome would do little to help the condition of animals and could do real harm to a small but important segment of the state's farm sector. Vote "no"

### PROPOSITION 3

Summary: Would authorize \$980 million in bonds to build children's hospitals and help them purchase new medical equipment.

Why we oppose it: Supporters -- including pediatricians at the UC Davis Children's Center -- argue persuasively that more space is needed to treat children with serious injuries and diseases. Four years ago, voters approved \$750 million for children's hospitals, but higher construction costs have eaten through that money faster than expected, supporters say.

In better economic times, it might be possible to justify a second major investment in children's hospitals, but not now. If passed, this measure would add \$67 million more per year to the state's debt service. That's money that would have to come out of schools, social services or state health programs.

Vote "no"

### PROPOSITION 4

Summary: Would change the constitution to require doctors to notify a parent or guardian 48 hours before performing an abortion for a girl under the age of 18.

We why oppose it: Voters defeated similar propositions in 2006 and in 2005. They should defeat this one as well. While everyone would prefer that teens talk with parents about an unexpected pregnancy, the state should not be forcing that conversation. It also should not be adding to the legal liabilities of doctors who would be compelled to meet the notification provisions in this initiative.

Other states with notification laws have seen an increase in the number of second-trimester abortions because teens, wary of having their parents notified, delay decisions. Seeking medical treatment as early as possible in these circumstances is in the best interest of minors and public health. Vote "no"

### PROPOSITION 5

Summary: Would require California to spend an extra \$1 billion to pay for rehabilitation services for drug offenders in prison, on parole and in the community.

Why we oppose it: At a time when the state is struggling to pay its bills and reform governance, this initiative would add to those bills and create a new state bureaucracy.

The Legislative Analyst's Office says the measure potentially could save \$1 billion by diverting drug felons from prison and into treatment. It might save another \$2.5 billion in one-time capital costs if the state could forgo the construction of another prison. But these are only potential savings that would come sometime in the distant future. They are not guaranteed.

By contrast, the massive new spending required under Prop. 5 starts immediately, tapping into a state general fund that has already run dry. The measure creates a new Cabinet-level secretary responsible for prison rehabilitation services. The shift from incarceration to treatment mandated in this bill is, in many respects, laudable, but it comes at a hefty cost.

Vote "no"

### PROPOSITION 6

Summary: Would require at least \$965 million to be spent annually on police and local law enforcement.

Why we oppose it: This initiative writes into law new crimes, increases penalties for old crimes, and mandates more spending for police, sheriffs, district attorneys, probation and parole. But it provides not a single penny of new funding to pay for it.

The Legislative Analyst's Office estimates this measure will cost close to \$500 million in new general fund spending in its first year with an increase of tens of millions of dollars annually in subsequent years. It will require another \$500 million in capital expenditures to build new prisons to house new felons kept in prison longer.

It means less money for schools, health care, parks, roads or any of the other state's important priorities. We can't afford it.

Vote "no"

### PROPOSITION 7

Summary: Would require government-owned utilities to generate 20 percent of their power from renewable sources by 2010. It would require all utilities to generate 40 percent by 2020 and 50 percent by 2025.

Why we oppose it: This ballot initiative is bankrolled by an Arizona billionaire, John Sperling, who, with good intentions, has gotten behind an initiative that is badly drafted and poorly vetted. The goals contained in this law are ambitious and necessary for California to reduce carbon emissions and transition to a clean-energy economy. But without provisions to realistically achieve a 50 percent use of renewable energy by 2025, Proposition 7 is doomed to failure.

Many environmentalists oppose the initiative because it might disqualify some small generators from the state's renewable energy standard. But there are bigger reasons to oppose it.

It vests too much authority in the California Energy Commission to make crucial decisions on generation and transmission. It undermines the power of local governments to review those decisions.

Overall, it could complicate the state's goals of achieving cleaner energy while keeping rates reasonable.

Vote "no"

## PROPOSITION 8

Summary: Would change the constitution to eliminate the right of same-sex couples to marry in California.

Why we oppose it: This initiative is a response to a state Supreme Court ruling in May. The court ruled that the constitution does not allow the state to deny those who are homosexual the right to marry -- just as it decided 60 years ago that the California Constitution does not allow the state to deny individuals of different races the right to marry.

Just as an individual's sexual orientation is not a legitimate basis on which to deny housing or a job, it is not a legitimate basis on which to deny individuals the right to marry. Californians should reject the call to amend the state constitution to exclude some people from marriage. That would be a black mark on the constitution, just as past exclusionary acts remain a stain on California's history.

Vote "no"

## PROPOSITION 9

Summary: Would amend the constitution to require that crime victims be notified and have input on phases of the criminal justice process, including bail, pleas, sentencing and parole.

Why we oppose it: Crime victims in California already have the right to be told about and to speak at parole and sentencing hearings involving criminals who have victimized them. Prop. 9 would expand those rights in ways that are unnecessary and costly. The initiative also ties the hands of lawmakers who might one day consider allowing early release of inmates to relieve dangerous overcrowding or to save money.

If Proposition 9 passes, the Legislative Analyst's Office says, the state would be forced to forgo potential savings amounting to "hundreds of millions of dollars annually." Prison spending in our state has reached a staggering \$10 billion a year.

Proposition 9 ensures that lawmakers will not be allowed to do anything easily to cut those costs without another amendment to the constitution. At a time of fiscal crisis, when the state can't pay its existing bills, this irresponsible initiative adds costs while preventing legislators from making prudent adjustments to save money.

Vote "no"

## PROPOSITION 10

Summary: Would authorize \$5 billion in bonds to help consumers and others purchase certain vehicles, including those powered by alternative energies.

Why we oppose it: Texas billionaire T. Boone Pickens is the deep pockets behind this initiative that, among other things, would provide rebates for businesses and consumers to buy natural gas vehicles. What's wrong with that? Nothing, if you don't mind handing over \$5 billion in bonds to a select group of manufacturers and energy producers, including Pickens, who owns a natural gas company.

Unlike an existing state program that offers rebates for companies to invest in alternative fuel trucks, this measure wouldn't require recipients to take their dirty trucks off the road. The net result could be more pollution and \$335 million less money in the general fund each year for schools, parks, water projects and other state services.

Vote "no"

## PROPOSITION 12

Summary: Would authorize \$900 million in general obligation bonds for veterans to buy homes and farms, extending a program that originally started in 1921.

Why we oppose it: Proponents say the program poses no costs to taxpayers, but this claim is deceptive. To finance loans to veterans, California would sell bonds to investors. Since the interest paid to bondholders is tax-free, state and federal taxpayers end up subsidizing the program and the homes purchased under it.

In better economic times, it might make sense to keep adding this benefit to the ones that veterans already receive, but not now. If veterans were unable to pay back these loans, it would leave state taxpayers on the hook for some of the \$59 million in annual debt service these bonds will incur.

In addition, as of July of this year, there was still about \$102 million remaining from past bond issues for veterans, so there's no urgent need to pass a new bond issue.

Vote "no"

- Caption: The Sacramento Bee / Rex Rabin
- Memo: EDITORIALS / ENDORSEMENTS '08

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# **EXHIBIT 14**

## Vote 'no' on Proposition 9, an ill-considered crime victims bill - This measure shouldn't become part of the California constitution.

*Fresno Bee, The (CA) - October 10, 2008*

- Author/Byline: The Fresno Bee
- Edition: FINAL
- Section: BUSINESS
- Page: C4
- Readability: >12 grade level (Lexile: 1440)

Proposition 9 is an ill-considered measure that would require that crime victims be notified and have a say in all phases of the criminal justice process, including bail, pleas, sentencing and parole.

But crime victims in California already have the right to be told about and to speak at sentencing hearings and parole hearings involving criminals who have victimized them. Proposition 9 would expand those rights in ways that are unnecessary and costly.

Voters should vote "no" on Proposition 9 on Nov. 4.

The initiative also would tie the hands of lawmakers who might one day consider allowing early release of inmates to relieve dangerous overcrowding or to save money. If Proposition 9 passes, the Legislative Analyst's Office says, the state would be forced to forgo potential savings amounting to "hundreds of millions of dollars annually." Prison spending in our state has reached a staggering \$10 billion a year.

The state spends about \$46,000 a year to house and feed a prison inmate. While the state seldom releases an inmate early, we believe it would be financially prudent to release some aged and infirm inmates who pose no threat to society. Under Proposition 9, this would never be allowed.

The measure would ensure that legislators could not do anything easily to cut those costs without another amendment to the constitution. At a time of fiscal crisis, when the state can't pay its existing bills, this irresponsible initiative adds costs while preventing lawmakers from making prudent adjustments to save money.

By making this a constitutional amendment, voters would be locking these provisions into the California Constitution, and making them difficult to change if there are other unintended consequences of the proposition.

Some of the good ideas within Proposition 9 could be achieved through individual bills in the Legislature. But there are too many reasons for Proposition 9 not to become part of the constitution.

Tell us what you think. Comment on this editorial by going to [fresnobee.com/opinion](http://fresnobee.com/opinion), then click on the editorial.

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# **EXHIBIT 15**

## NEWS

# Voters should turn down Props. 5, 6, and 9

By [THE DAILY DEMOCRAT](#) |

PUBLISHED: October 14, 2008 at 12:00 am | UPDATED: August 30, 2018 at 12:00 am

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California voters are being asked to pass three comprehensive and complex propositions that would make numerous changes in the criminal code, create new programs and mandate huge and inflexible increases in state spending.

Some of the changes sought in the three measures are worthy of consideration such as increased drug programs, tougher penalties and aid for crime victims. However, the measures would place another untimely drain on the state budget and mandate spending and annual increases on programs, bypassing the judgment of elected officials.

The measures are far too detailed and complicated to be placed on an already overloaded state ballot. They ask voters to, in effect, be legislators themselves without having the flexibility to modify or delete specific provisions of each of the three measures, Propositions 5, 6 and 9. That is why we recommend a no vote on all three.

### Prop. 5 – drug offenses

Prop. 5 sets up a complex three-track system that would expand the categories of offenders who are eligible for diversion and increase the services provided to drug offenders. It would add to current drug-treatment diversion programs with an added cost of \$460 million next year, with annual increases thereafter.

The state needs to do a better job of rehabilitating drug offenders. But it would make more sense in most instances to do so while offenders are in prison.

### Prop. 6 – crime penalties

This ballot measure would make about 30 revisions to California criminal law, many of which would cover gang-related offenses. The changes would delineate new crimes and increase penalties.

Prop. 6 is a prime example of ballot-box legislation. It usurps the responsibility of elected legislators. Like Prop. 5, this measure is far too detailed and restrictive for a ballot measure. It also adds a considerable expense to a state budget that is already overburdened.

### Prop. 9 – victims' rights

This measure plays on the emotions of Californians, who are naturally sympathetic to the plight of crime victims. Prop. 9 would amend the state constitution to outline a victim's right to have input during criminal justice proceedings and to receive restitution. It also would reduce parole hearings and early release of prisoners.

Many of the provisions of Prop. 9 already exist under the Victims' Bill of Rights, which was passed in 1982. Also it seeks to fix a "problem" of early release of prisoners that rarely takes place.

Prop. 9 would end up costing taxpayers hundreds of millions of dollars a year during a time of budget crises, according to the legislative analyst. This measure is not necessary. It would do little more to help crime victims and would be an unnecessary expense.

The three crime measures on the November ballot are a poor way to accomplish those goals because of their complexity, cost and duplication of current law. We urge a no vote on Propositions 5, 6 and 9.

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**The Daily  
Democrat**

## DECLARATION OF SERVICE

I, Allison G. Macbeth, state:

That I am a citizen of the United States, over eighteen years of age, an employee of the City and County of San Francisco, and not a party to the within action; that my business address is 850 Bryant Street, Rm. 322, San Francisco, California 94103. I am familiar with the business practice at the San Francisco District Attorney's Office (SFDA) for collecting and processing electronic and physical correspondence. In accordance with that practice, correspondence placed in the internal mail collection system at the SFDA is deposited in the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business. Correspondence that is submitted electronically is transmitted using the TrueFiling electronic system, FileAndServeXpress electronic system, or electronic mail. Participants who are registered with either TrueFiling or FileAndServeXpress will be served through electronic mail at the email addresses listed below. Participants who are not registered with either TrueFiling or FileAndServeXpress will receive hard copies through the mail via the United States Postal Service.

That on December 7, 2018, I electronically served the motion and **MOTION AND REQUEST FOR JUDICIAL NOTICE** by transmitting a true copy of through TrueFiling, FileAndServeXpress, or through electronic mail. Because one or more of the participants have not registered with the Court's system or are unable to receive electronic correspondence, on December 7, 2018, I placed a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the San Francisco District Attorney's Office at 850 Bryant Street, Room 322, San Francisco, California 94103, addressed as follows:

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed December 7, 2018, at San Francisco, California.



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