The Attorney General of California has prepared the following circulating title and summary of the chief purpose and points of the proposed measure:

**INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS**

(17-0044) Restricts parole for non-violent offenders. Authorizes felony sentences for certain offenses currently treated only as misdeemans. Initiative statute.

Imposes restrictions on parole program for non-violent offenders who have completed the full term for their primary offense. Expands list of offenses that disqualify an inmate from this parole program. Changes standards and requirements governing parole decisions under this program. Authorizes felony charges for specified theft crimes currently chargeable only as misdemeanors, including some theft crimes where the value is between $250 and $950. Requires persons convicted of specified misdemeanors to submit to collection of DNA samples for state database. Summary of estimate by Legislative Analyst and Director of Finance of financial impact on state and local governments. Initiative states that local correctional costs likely in the tens of billions of dollars annually related to increases in penalties for certain theft-related crimes and the changes to the nonviolent offender release consideration process. Increased state and local court-related costs of around a few million dollars annually related to processing probation revocations and additional felony theft filings. Increased state and local law enforcement costs not likely to exceed a couple million dollars annually related to collecting and processing DNA samples from additional offenders.

To the Honorable Secretary of State of California: We, the undersigned, registered, qualified voters of California, residents of the County (or City and County) referenced on the signature page of this petition, hereby propose amendments to the California Penal Code relating to parole, serial theft, and DNA collection from convicted criminals, and petition the Secretary of State to transmit to the voters of California for their adoption or rejection the next succeeding general election or as otherwise provided by law. The proposed statutory amendments (full title and text of the measure) read as follows:

**SEC. 1. TITLE**

This act shall be known and may be cited as the Reducing Crime and Keeping California Safe Act of 2018.

**SEC. 2. PURPOSES**

This measure will fix three related problems created by recent laws that have threatened the public safety of Californians and their children from violent criminals.

A. Reform the parole system so violent felons are not released early from prison, strengthen oversight of post release community supervision, and tighten penalties for violations of terms of post release community supervision.

B. Reform theft laws to restore accountability for serial thieves and organized theft rings.

C. Expand DNA collection from persons convicted of drug, theft and domestic violence related crimes to help solve violent crimes and exonerate the innocent.

**SEC. 3. FINDINGS AND DECLARATIONS**

A. Prevent Early Release of Violent Felons

1. Protect every person in our state, including our most vulnerable children, from violent crime is of the utmost importance.

2. Since 2014, California has had a larger increase in violent crime in Los Angeles has increased 69.5%. Violent crime in Sacramento rose faster during the first six months of 2018 than in any of the 25 largest U.S. cities tracked by the FBI.

3. Recent changes to parole laws allowed the early release of dangerous criminals by the law’s failure to define certain crimes as “violent.” These changes allowed individuals convicted of sex trafficking of children, rape of an unconscious person, felony assault with a deadly weapon, and felony domestic violence to be considered “non-violent” offenders.

4. As a result, these so-called “non-violent” offenders are eligible for early release from prison after serving only a fraction of the sentence ordered by a judge.

5. Violent offenders who are repeat violent criminals, and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding general election or as otherwise provided by law. The proposed statutory amendments (full title and text of the measure) read as follows:

**SEC. 4. PAROLE CONSIDERATION**

Section 3063 of the Penal Code is amended to read:

(1) Language added to an exon to section of law is designated in underline type and language deleted is designated in strikeout type

(2) (a) Except as otherwise provided in this section, an inmate who is released on parole or postrelease supervision as provided by Title 2.05 (commencing with Section 3430) shall be returned to the county that was the last legal residence of the offender when the inmate was arrested or convicted of an offense while confined in a state prison or local jail facility or while confined for treatment in a state hospital.

(b) Notwithstanding subdivision (a), an inmate may be returned to another county if that county would be in the best interests of the public. If the Board of Parole Hearings sets the conditions of parole for inmates sentenced pursuant to Subdivision (a) of Section 3063.8, as determined by the parole consideration panel, or the Department of Corrections and Rehabilitation setting the conditions of parole for inmates sentenced pursuant to Section 1720, decides on a return to another county, it shall place its reasons in writing in the parolee’s permanent record and include these reasons in the notice to the sheriff or chief of police pursuant to Section 3058.6. In making its decision, the paroling authority shall consider, among others, the following factors, giving the greatest weight to the protection of the public and the safety of the community:

(1) The need to protect the life or safety of a victim, the parolee, or any other person.

(2) Public concern that would reduce the chance that the inmate’s parole would be successfully completed.

(3) The verified existence of a work offer, or an educational or vocational training program.

(4) The existence of family in another county with whom the inmate has maintained strong ties and whose support would increase the chance that the inmate’s parole would be successfully completed.

(5) The lack of necessary outpatient treatment programs for parolees receiving treatment pursuant to Section 2990.

(6) The Department of Corrections and Rehabilitation, in determining an out-of-county commitment, shall give priority to the safety of the community and any witnesses and victims.

(7) In making its decision about an inmate who participated in a joint venture program pursuant to Article 1.5 (commencing with Section 2717.1) of Chapter 11, the paroling authority shall give serious consideration to releasing him or her to the county where the joint venture program employer is located if that employer states to the paroling authority that he or she intends to employ the inmate upon release.

(c) (1) The following information, if available, shall be released by the Department of Corrections and Rehabilitation to local law enforcement agencies regarding a paroled inmate or inmate placed on postrelease community supervision pursuant to Title 2.05 (commencing with Section 3450) who is released in their jurisdictions:

(A) Last, first, and middle names.

(B) Race, sex, height, weight, and hair and eye color.

(C) Date of parole or placement on postrelease community supervision and discharge.
shall not be placed or reside, for the duration of his or her parole, within a one-half mile of a public or private school including any or all of kindergarten and grades 1 to 12, inclusive.

(11) A violation by a parolee or postrelease community supervision for a stalking offense shall not be returned to a location within 35 miles of the victim of or witness, actual residence of or place of business of the victim or witness, or place to which the victim or witness requested additional distance in the placement of the parolee or postrelease community supervision, and if the Board of Parole Hearings or the Department of Corrections and Rehabilitation, or the supervising county agency, as applicable, finds that there is a need to protect the life, safety, or well-being of the victim or witness, the victim or witness may transfer that parolee or postrelease community supervision to another county upon approval of the receiving county.

(i) The authority shall give consideration to the equitable distribution of parolees and the proportion of out-of-county commitments from a county compared to the number of commitments from that county when making parole decisions.

(ii) Any release by parole to another state pursuant to any other law. The Department of Corrections and Rehabilitation shall coordinate with local entities regarding the placement of inmates placed out of state on parole or postrelease community supervision to Title 2.05 (commencing with Section 3450).

(iii) With respect to an inmate who is not released on parole or postrelease community supervision, when an inmate is transferred to any other state in which the inmate is not sentenced to state prison, the inmate shall be returned to the supervising county agency.
Section 3040.3 is added to the Penal Code to read:

(3) The inmate has demonstrated remorse;

(4) The inmate’s present age reduces the risk of committing a violation.

Section 3040.4 is added to the Penal Code to read:

Pursuant to subsection (b) of Section 28 of Article I of the Constitution, the Department shall give reasonable notice to the inmate’s family, and the general public when making a determination on early parole.

The Department shall consider the safety of the victims, the victims’ family, and the general public when making a determination on early parole.

The following circumstances shall be considered by the Department in determining whether the inmate is unsuitable for release:

(a) The inmate is incarcerated for multiple cases from the same trial or as documented in records in the possession of the Department.

(b) The prosecuting agency shall have the right to review all the activities and conduct pertinent to parole eligibility.

(c) The following circumstances shall be considered by the Department in determining whether the inmate is unsuitable for release:

(1) The inmate does not have a juvenile record of conviction.

(2) The inmate’s institutional behavior including both rehabilitative programming and institutional misconduct;

(3) The inmate’s past and present mental condition as documented in records in the possession of the Department.

(4) Any input from the inmate, any victim, whether registered or not at the time of the parole action, and the public shall be considered.

The panel or the board, sitting en banc, shall grant parole to an inmate unless it determines that the gravity of the crime, the likelihood of committing a serious or violent crime, the danger to public safety, and the time served in prison are such that the inmate is unsuitable for release.

Hearings shall consider all relevant, reliable information provided by the Department, the inmate, any victim, whether registered or not, any person or agency making a request for the inmate’s release, and any public statement made by a person on the hearing panel.

In the case of any inmate sentenced pursuant to section 1170.2, the board may review the panel’s decision. The board’s decision shall become final pursuant to this subdivision unless the board finds that the panel made an error of law, that new information should be presented, or that new information should be presented as a result of an error of fact, or that new information should be presented to the board, any of which when corrected or considered by the board has a substantial likelihood of resulting in a substantially different decision upon a rehearing.

In making this determination, the board shall consult with the commissioners who conducted the parole consideration and to participate in the review process.

(3) A decision of a panel shall not be disapproved and referred for rehearing except by a majority vote of the board.

In the case of any inmate sentenced pursuant to section 1170.2, the board may review the panel’s decision. The board’s decision shall become final pursuant to this subdivision unless the board finds that the panel made an error of law, that new information should be presented, or that new information should be presented to the board, any of which when corrected or considered by the board has a substantial likelihood of resulting in a substantially different decision upon a rehearing.

(4) For purposes of reviewing the suitability for parole of those inmates eligible for parole under prior law at a date after July 1, 2000, the board may appoint panels of at least two persons to meet annually with each inmate until the time the person is released pursuant to proceedings or reaches the expiration of his or her term as calculated under Section 1170.2.

(5) It is the intent of the Legislature that, during times when there is not a regular scheduled meeting of the board and a written report is not available, the public and the general public shall have an opportunity to present written comments or to comment personally on the number of cases where an inmate has not received a completed initial or subsequent parole consideration hearing within 120 days of the initial hearing.

In making this determination, the board shall consult with the commissioners who conducted the parole consideration and to participate in the review process.

(2) After July 30, 2001, any decision of the parole panel finding an inmate suitable for parole shall become final after 120 days from the date of the final decision of the board.

In the event of a tie vote, the matter shall be referred to the Legislature for en banc review. The board may conduct an en banc review and render a decision to either grant or deny parole. The en banc review shall be conducted pursuant to subdivision (e).

Upon a grant of parole, the inmate shall be released from prison. The en banc review shall be conducted pursuant to subdivision (e). The board shall report to the Legislature quarterly.

(1) The board shall separately state reasons for its decision to grant or deny parole.

(2) A commissioner who was involved in the tie vote shall be excused from consideration of the matter in

The board shall vote to either grant or deny parole and render a decision to either grant or deny parole. The decision to either grant or deny parole shall be final and shall be communicated to the inmate, any victim, whether registered or not, any person or agency making a request for the inmate’s release, and any public statement made by a person on the hearing panel.

Hearings shall consider all relevant, reliable information provided by the Department, the inmate, any victim, whether registered or not, any person or agency making a request for the inmate’s release, and any public statement made by a person on the hearing panel.
a probation officer,\n\n(b)\n\n(c)\n\n(d)\n\n(e)\n\n(f)\n\n(g)\n\n(h)\n\n(i)\n\n(j)\n\n(k)\n\n(l)\n\n(m)\n\n(n)\n\n(o)\n\n(p)\n\n(q)\n\n(r)\n\n(s)\n\n(t)\n\n(u)\n\n(v)\n\n(w)\n\n(x)\n\n(y)\n\n(z)\n\n}
a juvenile shall not invalidate an arrest, plea, conviction, or disposition, or otherwise relieve a person from the requirements of this chapter.

SEC. 6. SHOPLIFTING
Section 459.5 of the Penal Code is amended to read:
"[language added to an existing section of law is designat-
ed in [ ] type and language deleted is designated in ( ) type and language deleted is designated in strikethrough type]

(a) Notwithstanding Section 459, shoplifting is defined as entering a commercial establishment with intent to commit larceny, steal retail property or merchandise while that establishment is open during regular business hours, where the value of the property that is taken or intended to be taken in a period of one hundred ninety-five dollars ($950). Any other entry into a commercial establishment with intent to commit larceny is burglary. Shoplifting may be punished as a misdemeanor, except that a person with one or more prior convictions for an offense specified in clause (iv) of paragraph (2) of subdivision (e) of Section 667 or for an offense requiring registration pursuant to subdivision (c) of Section 290 may be punished pursuant to subdivision (b) of Section 1170.

(b) Any act of shoplifting as defined in subdivision (a) shall be charged as shoplifting. No person who is charged with shoplifting may also be charged with burglary or theft of the same property.

(c)(a) "Retail property or merchandise" means any article, product, commodity, item or component intended to be sold in retail commerce.

(b) "Value" means the retail value of an item as advertised by the affected retail establishment, including applicable taxes.

(c) This section shall not apply to theft of a firearm, forgery, the unlawful sale, transfer, or conveyance of an access card pursuant to Section 484a, forgery of an access card pursuant to Section 484d, the unlawful use of an access card pursuant to Section 484g, theft from an elder pursuant to subdivision (e) of Section 368, receiving stolen property, embezzlement, or identity theft pursuant to Section 367 (California Penal Code), or the theft or unauthorized use of a vehicle pursuant to Section 10851 of the Vehicle Code.

Section 490.2 of the Penal Code is amended to read:
"[language added to an existing section of law is designat-
ed in underlined type and language deleted is designated in [ ] type]

(a) Notwithstanding Section 487 or any other provision of law defining grand theft, obtaining any property by theft where the value of the money, labor, real or personal property taken does not exceed nine hundred fifty dollars ($950) shall be considered petty theft and shall be punished as a misdemeanor, except that such person may instead be punished pursuant to subdivision (b) of Section 1170 if that person has one or more prior convictions for an offense specified in clause (iv) of paragraph (2) of subdivision (c) of Section 667 or for an offense requiring registration pursuant to subdivision (c) of Section 290.

(b) Unlawful taking or driving of a vehicle that may be charged as an infraction pursuant to any other provision of law.

(c) This section shall not apply to theft of a firearm, forgery, the unlawful sale, transfer, or conveyance of an access card pursuant to Section 484a, forgery of an access card pursuant to Section 484d, the unlawful use of an access card pursuant to Section 484g, theft from an elder pursuant to subdivision (e) of Section 368, receiving stolen property, embezzlement, or identity theft pursuant to Section 367 (California Penal Code), or the theft or unauthorized use of a vehicle pursuant to Section 10851 of the Vehicle Code.

SEC. 7. SERIAL THEFT
Section 490.3 is added to the Penal Code to read:
"(a) This section applies to the following crimes:

(1) Petty theft;

(2) Shoplifting;

(3) Grand theft;

(4) Burglary;

(5) Carjacking;

(6) Robbery;

(7) A crime against an elder or dependent adult within the meaning of subdivision (d) or (e) of Section 368;

(8) Any violation of Section 496;

(9) Unlawful driving or taking of a vehicle within the meaning of Section 10851 of the Vehicle Code.

(10) Forgery.

(11) The unlawful sale, transfer, or conveyance of an access card pursuant to Section 484e.

(12) Forgery of an access card pursuant to Section 484f.

(13) The unlawful use of an access card pursuant to Section 484g.

(14) Identity theft pursuant to Section 530.5.

(15) The theft or unauthorized use of a vehicle pursuant to Section 10851 of the Vehicle Code.

(b) Notwithstanding subsection (3) of subdivision (b) of Section 1170, subsections (2) and (4) of subdivision (a) of Section 1170, subsections (2) and (4) of subdivision (c) of Section 667, any person who, having been previously convicted of two or more of the offenses specified in subdivision (a), which offenses were committed on separate occasions, and who is subsequently convicted of petty theft or shoplifting where the value of the money, labor, or real or personal property taken does not exceed two hundred fifty dollars ($250) shall be punished by imprisonment in the county jail not exceeding one year, or imprisonment pursuant to subdivision (b) of Section 1170.

(c) This section does not prohibit a person or persons from being charged with any violation of law arising out of the same criminal transaction that violates this section.

SEC. 8. ORGANIZED RETAIL THEFT
Section 490.4 is added to the Penal Code to read:
"(a) "Retail property or merchandise" means any article, product, commodity, item or component intended to be sold in retail commerce.

(b) "Value" means the retail value of an item as advertised by the affected retail establishment, including applicable taxes.

(c) Any person, who, acting in concert with one or more other persons, commits two (2) or more thefts pursuant to Sections 459.5 or 490.2 of retail property or merchandise having an aggregate value exceeding two hundred fifty dollars ($250) and unlawfully takes such property during a period of one hundred eighty days (180) is guilty of organized retail theft.

(d) Notwithstanding subsection (3) of subdivision (b) of Section 1170, subsections (2) and (4) of subdivision (a) of Section 1170, subsections (2) and (4) of subdivision (c) of Section 667, organized retail theft shall be punished by imprisonment in the county jail not exceeding one year, or imprisonment pursuant to subdivision (b) of Section 1170.

(e) For purposes of this section, the value of retail property stolen by persons acting in concert may be aggregated into a single count or charge, with the sum of the value of all of the retail merchandise being the values considered in determining the degree of theft.

(f) An offense under this section may be prosecuted in any county in which an underlying theft could have been prosecuted as a separate offense.

(g) This section does not prohibit a person or persons from being charged with any violation of law arising out of the same criminal transaction that violates this section.

SEC. 9. AMENDMENTS
This act shall not be amended by the Legislature except by a statute that furthers the purposes, findings and declarations of Article I of the Constitution, revocation of parole and post release community supervision, DNA collection, or addressing parole consideration pursuant to Section 32 of Article I of the Constitution. This act shall not be amended by the Legislature except by a statute that becomes effective only when approved by the voters of the affected county on the same ballot, including any measure therein, and the provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure receives a greater number of affirmative votes than a measure deemed to be in conflict with it, the provisions of this measure shall prevail in their entirety, and the other measure or measures shall be null and void.

SEC. 10. SEVERABILITY
If any provision of this Act, or any part of any provision, or its application to any person or circumstance is for any reason held to be invalid or unconstitutional, the remaining provisions and applications 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.

SEC. 11. CONFLICTING INITIATIVES
This act shall be not amended by the Legislature except by a statute that furthers the purposes, findings and declarations of Article I of the Constitution, revocation of parole and post release community supervision, DNA collection, or addressing parole consideration pursuant to Section 32 of Article I of the Constitution. This act shall not be amended by the Legislature except by a statute that becomes effective only when approved by the voters.