Q1: Does this initiative repeal Propositions 47 and 57 or AB 109?

A1: No. This initiative fixes very specific flaws contained in Props 47 and 57 and AB 109 but does not repeal them. Specifically, it corrects four components of these initiatives and legislation that are adversely impacting public safety and victims:

- Reclassifies currently “nonviolent” crimes like rape of an unconscious person, sex trafficking of a child and felony domestic violence as “violent” — to prevent the early release of inmates convicted of these crimes
- Restores “teeth” to theft laws for serial thieves and organized theft gangs, which were removed under Prop. 47 leading to rampant and blatant abuse
- Reinstates DNA collection for those convicted of theft, domestic violence, drug and other crimes that are directly connected to more violent crimes and will help to solve rape, murder and other violent crimes — and to exonerate those wrongly accused
- Provides increased information and communication for courts, public defenders, DAs, sheriffs and victims; requires hearing for serial parole violators; adds factors for the Board of Parole Hearings consideration

Q2: The Attorney General’s Office estimates the initiative will cost anywhere from a couple million to tens of millions of dollars annually. Isn’t that too expensive?
A2: An estimated $78 worth of property is stolen every second in California. What’s more, illegal drug use costs California $44 billion annually through early death, impaired driving and violence — yet Prop. 47 removed a judge’s ability to impose court ordered drug rehabilitation programs to help those serial offenders to turn their lives around. Today, the courts can still provide the incentive to addicts by the promise of clearing their misdemeanor records but it’s purely voluntary, and since there’s no threat of jail time or a felony record, their incentive is very low.

So, dedicating a few million dollars to re-incentivize drug court, crack down on serial theft, and help prevent truly violent predators from re-offending is certainly an investment worth making — saving property, lives and even tax dollars over time.

Q3: Doesn’t this put thousands more people in prison?

A3: No. This claim is either a misunderstanding or misrepresentation of the initiative. The initiative doesn’t put any additional people in prison. It is specifically written to ensure that truly violent criminals are not released early; to help law enforcement solve more violent crimes; and to restore “teeth” to serial theft laws allowing the courts to sentence repeat offenders to county jail, thereby protecting property and once again making California’s successful drug courts an integral part of our criminal justice system.

Q4: Some opponents allege that the initiative is racially biased claiming that most drug offenders who are arrested are Black and Latino. Is this true?

A4: The changes made within the initiative are to California government codes which, by law, must be applied equally to all. As to the demographic makeup of drug offenders, we defer to the California Dept. of Justice, which states that there were just over 28,000 felony drug arrests in 2018, and of those 35.6% were White, 42.2% were Hispanic, 15.3% were Black and 6.8% were other ethnicities. During that same year there were just under 188,000 non-marijuana misdemeanor drug arrests, of which 44.4% were White, 39.8% Hispanic, 10.8% Black and 5% Other. When compared to the state’s census breakdown — which is 36.8% White, 39.3% Hispanic, 6.5% Black and 21.3% Other — it would appear that Whites and Blacks are somewhat overrepresented in arrests, while “other” ethnicities are quite underrepresented. It is important to also remember that the initiative does not change Prop. 47 with regard to drug possession, which remains a misdemeanor.

However, since the initiative restores the incentive for drug addicts (who repeatedly steal to support their addiction) to complete rehabilitation programs through our successful drug court system, turn their lives around and expunge their criminal records through deferred entry of judgment (DEJ) — a benefit that Prop. 47 deprived them of — an argument could be made that the initiative offers a unique benefit to those whose addiction is a significant contributing factor to their criminal behavior.
Q5: The legislature passed AB 1065 to deal with serial theft, so hasn’t that problem already been solved?

A5: Sadly, no. As we pointed out to the Legislature at the time, this law does little to solve serial theft since it requires law enforcement to establish probable cause at the point of arrest and for prosecution to prove conspiracy with the intent to resell and requires multiple convictions within a short period of time — which is extremely difficult, time intensive and not a cost-effective use of taxpayer monies.

On the other hand, Proposition 20 practically, effectively and fairly addresses the state’s serial and organized theft crisis, created by Prop. 47, which increased the threshold for theft to be considered a felony from $450 to $950. Theft has increased by 12-25 percent, with losses of more than $10 billion and counting since its passage.4

The initiative revises the theft threshold by giving the courts the authority to charge a misdemeanor or a felony for serial theft when a person has been convicted twice and arrested a third time for stealing at a value of at least $250 (value threshold lowered from $950 to $250 for the third time only). Unlike AB 1065, the initiative does not require a conspiracy conviction and defines “organized theft” as just two or more persons working in concert to steal. The initiative also addresses the rampant theft problem of credit/debit and identity theft. Given that these crimes are so intrusive into the lives of their victims, the initiative returned the authority to the courts providing them the flexibility to address each criminal act on its own merit.

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