Three Strikes Law Essay, Research Paper

California?s ?3-Strikes Law?

In California there is a law known as the ?3-Strikes Law.? Other states such as Delaware, Florida, Idaho, Illinois, Indiana, and a few other states have also adopted this law. (2) This ?3-Strikes and Your Out Law,? states that if a person has two previous violent or serious felony convictions, he or she is sentenced to a life sentence with no chance of parole.(1) It also states that if a person has one previous violent or serious felony conviction (which includes burglary of an unoccupied dwelling) he or she is sentenced to twice the term prescribed by law for each new felony. (1) California has taken this law to an extreme. Petty crimes such as shoplifting and forgery may result in a 25years to life sentencing. Why should taxpayers have their hard-earned money taken away because the state has petty thieves and con artists serving life sentences? This law is ridiculous! It shouldn?t be applied to small crimes that aren?t violent or serious. The innocent felons in jail for such small crimes must feel so helpless. What are these convicted felons doing about the severity of this law? The ?3-Strikes Law? is completely unconstitutional and there should be amendments to such a harsh law. Will this law actually decrease the crime rates in the country?

On November 18, 1999, a man facing a possible life sentence under the ?3-Strikes Law? was found dead with his girlfriend in an apparent double suicide. After the man failed to appear in court, fearing this law, he and his girlfriend were found in his van dead from carbon monoxide poisoning. The man?s charge was the possession of less than an ounce of marijuana and .07grams of methamphetamine, plus a weapons violation. The court offered this man 120 days of imprisonment for a guilty plea, but it was his third offence (3 charges) and under California law, that?s imprisonment for life. (3) ?The law requires that the 3-Strikes charge be filed whenever prior convictions are discovered, although they can be dismissed later if the situation warrants,? said Albert Locher, assistant chief district attorney, Ca.

This case is a sad story. The man and his girlfriend?s life could have been saved if the law wasn?t so strict. Is this what the 3-Strikes Law intend to do? To cause petty criminals to take their own lives? This law was intended to protect people, not hurt them. I completely agree that criminals should be punished for their crimes, but a life sentence is unexceptable for someone or anyone in possession of marijuana or stolen property. Rapist, murderers, and child molesters should receive lifetime sentencing, not shoplifters and drug addicts. Would you be able to sleep at night if you had a child or a young family member who was convicted of a petty crime, spending the rest of their adolescence and adult lives in prison? Teenagers locked away for these crimes are spending 25years to life with hardened criminals, serial killers and rapists.

Another man sentenced under the 3-Strikes Law is Ruben Rojas. Ruben, age 30, spent 2 years behind bars for being suspected to have his drug conviction overturned because authorities believe it was based on fabricated evidence and false testimony by Rampart Division Officers. (3) Ruben was arrested March 5, 1997 for allegedly selling rock cocaine to two men near Marathon and Dillion Streets. Two officers, Perez and Durden allegedly saw Ruben take money from two men and drop off the rock cocaine at a nearby telephone pole. When Ruben was apprehended there was no drugs or money at the telephone pole or on Ruben. The officers are suspected of planting the rock cocaine and framing Ruben. After two years of pleading his case, Ruben was sentenced to 6 years. Is this justice? Aren?t the police supposed to serve and protect us? Wouldn?t you live in fear in the state of California? Just knowing that not only could you go to jail for life, but the police could help in the process. ?Land of the Free.? Ha! That?s an understatement. How many innocent men and women are sitting behind bars because of this ludicrous law? How many of those innocent men and women were put in prisons by crooked police officers? Something has to be done protect the innocent.

Another case where a man was framed was the James Jones case.(3) James Jones was framed by police officers involved in a drug conviction. How many other Jones?s are still in prison? How many others are imprisoned to long sentences because it is so easy for the police to frame somebody when all they have to do is testify to a simple drug possession case?

Does this law reveal any racial motives? Marc Klaas originally supported the 3-Strikes Law, but he began having doubts when he started to learn how broad the law would go. On November 14, 1999, Marc Klaas wrote an opinion piece printed in the San Jose Mercury News stating, ? Then, something happened that convinced me I had been helping the wrong people. I was in Los Angeles promoting the initiative when, during a ride through one?s city?s disadvantaged neighborhoods, a member of the ?3-Strikes? campaign turned toward me and gestured toward a group of young black men. ?This is how we are going to take care of these people,? he said. (3) This comment is frightening. How many members of the 3-Strikes campaign are racist? This could greatly affect the discussions on amendments for this law.

The second 3-Strikes Initiative was announced November 10, 1999. It states that:

1. The law would not be applicable to non-violent and non-serious offenses.

2. Multiple counts during one event will only count as one strike.

3. The amendment would be applicable to everybody who has already been sentenced under the law and it would be applicable to both second strikers (who received double their sentence) and 3-strikers (who received a minimum of 25 years to life.) (3)

Will this law actually help to reduce crime rates? A news study of criminal sentences in three large California cities concluded that the states five and a half year old 3-Strike Law hasn?t had any statistically significant impact on the conduct of criminals conduct of criminals. (1) This just goes to show that this law is unnecessary and is doing absolutely nothing to reduce the crime rate in California. Frank Zirmring, a University of California Berkley law professor said that on November 8, 1999 his analysis of arrest records of 3, 500 criminal defendants in Los Angeles, San Diego, and San Francisco before and after California enacted the law in 1994 and found no evidence it is a deterrent crime. Studies also say that tougher sentence don?t make any difference. (4) These studies clearly show that this outrageous law has no affects on today?s criminal society. No matter how many laws are enacted the crime rate will remain the same. People themselves have to stop crime, not laws.

The 3- Strikes Law is a law that the state of California enacted to help solve their crime problems. This law has not only wasted taxpayer?s money, but it has also wasted a lot of the courts time. This law has also left many innocent men and women behind bars without any chance of seeing the outside world for committing a non-violent, non-serious crime. Not to mention, the convicted felons families. How can law officals and judges unlawfully arrest and sentence these men and women when not even enough substantial evidence has been brought in front of the court. Before any states pass a law that is so severe they must first look at all the aspects and what the law will actually accomplish. The 3-Strikes law is completely unconstitutional and a serious revision should take place immediately.

1. http://www.facts1.com/general/3strikes.htm

2. http://www.facts1.com/states/states.htm

3. http://www.facts1.com/general/recent.htm

4. Willis,Douglas, The San Francisco Gate 11/8/99

Bibliography

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