Three Strikes You’re Out Law Essay, Research Paper

We have all heard of the newest anti-crime

law, the “Three strikes and you?re out” law. It wasn?t easy getting this

law from the bill stage in Sacramento to the law stage, because it is not

a criminal friendly law. Meaning that this law?s purpose is to bring pain,

suffering, and intimidation to criminals. Our state government was basically

ran by the Assembly Speaker Willie Brown, now mayor of San Francisco. Brown

had the power to choose who sat on what committee in the house, and using

this he could terminate any bill he did not agree with. And with this attitude

it took a lot of patients and perseverance by the people trying to pass

this bill. But how did the bill become a bill? I will answer this question

with help of the Kimber Reynolds story.

Monday, June 29, 1992 in Fresno, California

a young woman was brutally murdered outside The Daily Planet, a restaurant

patronized by the local young people. The girl was visiting home for the

summer after being in the Los Angeles area attending school. Her and a

friend were getting into their car when two guys on a motorcycle rode up

next to Kimber Reynolds blocking her in, taking her purse, and beating

her into submission. The story made the 11 o?clock news only minutes after

her father had gone to bed. When police ran a background check on the two

suspected men, Joeseph Micheal Davis and Douglas Walker, both men had recently

been released on parole with multiple offenses on their records. Unfortunately

Davis was never brought in because when police were attempting to arrest

him he began firing, wounding unsuspecting police officers and ultimately

being killed. Douglas Walker was convicted of accessory to murder.

Mike Reynolds, Kimber?s father, went on

the radio on a local radio show called the Ray Appleton Show, KMJ 580.

There he would discuss his outrage about how he was sick of repeat offenders

being locked up only to be released after a fraction of the sentence was

completed. He swore to the people listening that he was going to do something

about the problem, even if it takes him forever. Listening to that show

was Fresno Assemblyman Bill Jones (R). He was interested in the issue and

arranged a meeting with Mike. They discussed ideas about how they could

solve this problem.

With that in mind Mike used some connections

and gathered one superior, one appellate, and one municipal court judge,

as well as a well-known local defense attorney, a representative from the

Fresno Police Department, an expert in juvenile justice and Ray Appleton.

The men did some research and drew up some ideas. Their final legislative

proposal was as follows:

Double the sentence for a conviction of

any felony if there is a previous serious or violent felony conviction.

Triple the sentence or twenty-five years

to life, whichever is greater, for any combination of two prior violent

or serious felony convictions coupled with any new felony.

Probation, a suspended sentence, or a commitment

to a diversion program as a substitute for serving time in prison is prohibited

for felons with at least one prior conviction of a serious or violent felony.

Any felon with at least one prior serious

or violent felony conviction must serve any subsequent felony sentence

in a state prison (as opposed to a county jail).

Terms are to be served consecutively, rather

than concurrently.

Maximum allowable time off for good behavior

is reduced to 20 percent.

Juvenile convictions for serious of violent

felonies count as prior convictions if the felony was committed when the

juvenile was sixteen or seventeen years old.

When a defendant has at least one prior

conviction for a serious or violent felony, the district attorney is required

to plead and prove all known prior felony convictions. Prior felony convictions

cannot be used as part of a plea-bargain.

Now that Mike had the proposal he had Bill

Jones submit it to the state legislature. Right away the bill was sent

to the Assembly Public Safety committee to be approved. This committee

is known as a killer of tough-on-crime bills, and consisted of eight members,

Paula Boland, Richard Rainey, Tom Umberg, Tom Bates, John Burton, Barbara

Lee, and committee chairman Robert Epple. Both Boland and Rainey were Republicans

while the rest were Democrats, and one vacant seat due to unknown reasons.

This committee was moderate or even moderately conservative, but because

Willie Brown had the power to choose members of the committee he chose

those people whom he thought would sway the vote towards a liberal direction,

which did not reflect the philosophy of the whole assembly. Mike also had

asked Fresno Assemblyman Jim Costa (D) to be a co-author of their proposal,

Mike wanted a bipartisan approach to the legislature. Meaning he wanted

to have both major parties represented in the proposal.

The men had two Republican and two Democratic

votes in their favor and only needed one more vote to pass, but unfortunately

they did not get that one vote because Brown set up the committee and didn?t

want a tough-on-crime bill. Berkeley Assemblyman John Burton gave Jones

an option to re-write their proposal the way he sees fit, or have the proposal

taken from the floor again and put to another vote. The problem with the

latter was that if it failed again there would never be another next time.

Jones and Mike Reynolds did neither of the two, their mission now was to

take it straight to the people of the state and find out what they think.

The two men did exactly that, paying for

publicity out of their own pockets. Eventually they did get corporate assistance

from organizations like the NRA (National Rifle Association) and the CCPOA

(California Correctional Peace Officers Association), as well as others.

Their efforts would not be fruitless because they knew that if they could

get enough signatures that the proposal would be put on the November, 1994

election ballot. The men had hundreds of thousands of signatures that lead

to the induction of the proposal to the ballot as “Prop 184.” The men made

a few minor changes to the proposal but in the end it basically read as

before. The men knew they had to keep it simple because they knew people

would not vote for something they could not understand.

There is a lot of talk about serious and

violent felonies in the law and there are certain offenses that must be

met in order to qualify as a serious or violent felony. The felonies that

would fall under both categories would be those that are beyond misdemeanors

and/or carry an extensive sentence.

With the passage of “Three strikes” some

argued that it would ignite an increase in violence against law enforcement

officers, putting them in danger as they tried to maintain public safety.

The American Civil Liberties Union argued that criminals facing a life

sentence if they were to be convicted would be far more likely to resist

arrest, assault officers and kill witnesses. Since the enactment of the

law violence against law enforcement officers has not risen but fallen.

In the three years prior to the law assault against law enforcers dropped

14.9% while since the enactment it has dropped 11.9%, setting a downward

trend.

Some studies have argued that the population

of prisons and jails will rise substantially because of the increased prison

sentences, limitations on the ability of repeat offenders to earn credits

to reduce time, and prisoners required to be sentenced to prison rather

than jails. Despite predictions to the contrary, the growth in the prison

population since the enactment has slowed. In the four years prior to the

law the prison population increased by 37%. Since the enactment the prison

population has grown only 32%. That is near the percentage for the nation

at 27% excluding California. While jail populations have increased during

this era, the average number of persons booked over this period has dropped.

The average number of people booked per month in county jails hit a record

low in 1995 with 97,589. This is because 6% of criminals are responsible

for 70% of all crime.

During the debate over the “Three Strikes

law, opponents argued that the prison system would become overfilled with

non-violent offenders serving life terms. Trying to prove this true a study

conducted by the Center on Juvenile and Criminal Justice in 1996 concluded

that 85% of the people sentenced under the “Three Strikes” law received

their third strike for a non-violent crime. It reported that 192 individuals

were convicted of marijuana possession while only 40 were convicted of

murder, 25 of rape, and 24 of kidnapping. At the end of 1997, California?s

inmate population totaled 152,577. 23.2% of the inmates (35,411), were

imprisoned for second- and third-strike convictions.

There were repeated warnings about the

cost to implement the new law, but few have addressed the other side of

the equation and the savings to the state, in lives and in dollars. Had

our 1993 crime rate continued unaffected over these past few years, nearly

815,000 additional crimes would have been committed in California, including

217,000+ violent crimes. We would have suffered more than 4,000 homicide

victims; 6000+ women would have been victims of rape. Also the savings

in dollars is between $5.8 billion and $15.5 billion since the enactment

of the “Three Strikes” law.

There has been swift and dramatic impact

on crime since the enactment of the “Three Strikes” law. The crime rate

has dropped more than 30%. But there are other factors that play a part

in this reduction like crime prevention, and community policing. However

there has been a significant drop in the crime rate. Also the predictions

about cost, over populating and others have not come true. With all of

the opposition out there trying to tear this law down I believe that California

can not afford to do without this law because it is saving our state money

and lives.