

103^D CONGRESS
2^D SESSION

H. RES. 391

Expressing the sense of the House of Representatives that the State of California should enact legislation to make the State's indeterminate sentencing system applicable to all serious violent crimes, while continuing to provide and maintain any current minimum sentences for such crimes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 17, 1994

Mr. DREIER (for himself, Mr. LEWIS of California, Mr. HUFFINGTON, Mr. PACKARD, Mr. GALLEGLY, Mr. HERGER, Mr. MCKEON, Mr. CALVERT, Mr. HORN, Mr. ROYCE, Mr. DORNAN, and Mr. KIM) submitted the following resolution; which was referred to the Committee on the Judiciary

RESOLUTION

Expressing the sense of the House of Representatives that the State of California should enact legislation to make the State's indeterminate sentencing system applicable to all serious violent crimes, while continuing to provide and maintain any current minimum sentences for such crimes.

Whereas the State of California's Determinate Sentencing Act was enacted in 1976;

Whereas the Determinate Sentencing Act forces the release of the vast majority of California State felons on an arbitrary schedule, resulting in the required freeing of tens

of thousands of violent criminals despite their demonstrated danger to society;

Whereas recent examples of the State of California's failed determinate sentencing system for violent criminals include—

(1) the release of the serial criminal known as the College Terrace Rapist, who served only 1/2 of his sentence for committing as many as 100 rapes, in addition to assaults and burglaries;

(2) the release, despite the censure of the Governor of the State of California and the protests of the California Department of Justice and the California Department of Prisons, of the serial criminal known as the Pillowcase Rapist, who has been arrested and released from prison at least 4 times for committing over 70 rapes and kidnappings;

(3) the release of a man previously imprisoned twice for kidnapping women, who was rearrested for kidnapping and brutally murdering 12-year-old Polly Klaas of Petaluma, California; and

(4) the release of a man, previously convicted of 8 armed robberies, who was paroled and rearrested for cocaine and weapon possession, and who was tried after his release for killing a Sacramento grandfather during a daylight downtown street robbery;

Whereas the Governor of the State of California has stated publicly that State law precludes him from barring the

release of sexual and other serious violent offenders sentenced under the Determinate Sentencing Act;

Whereas the Governor of the State of California has called for mandatory life sentences for sexual predators;

Whereas, according to reports by the California Department of Justice—

(1) the average time served in California State prisons is only 41 percent of the average time that offenders are sentenced to serve in such prisons;

(2) 58 percent of the criminals released from California State prisons commit another crime within 2 years of their release; and

(3) approximately 39 percent of the violent criminals arrested in California are already involved in a component of the criminal justice system;

Whereas, according to studies conducted by the United States Department of Justice, the typical street criminal commits more than a dozen serious crimes a year, excluding drug crimes;

Whereas the result of the State of California's determinate sentencing is that 90 percent of the 115,000 criminals currently incarcerated in California State prisons will be required to be released on a fixed date, regardless of the danger the prisoners pose to society, their prison behavior, their propensity for recidivism, or the lack of a positive parole evaluation or an approved plan for living a productive crime-free life;

Whereas the offenders released under the State of California's arbitrary determinate sentencing deadlines will in-

clude more than 38,000 prisoners who have committed dangerous violent crimes, including rape, child abuse, kidnapping, assault with a deadly weapon, manslaughter, and armed robbery;

Whereas the State of California has an existing, relatively effective, and constitutional indeterminate sentencing system for imprisoning especially heinous and violent criminals;

Whereas the California criminal justice system can easily shift serious violent crimes from the determinate sentencing system to the indeterminate sentencing system, so that the most violent and dangerous criminals, who are judged most likely to commit additional violent crimes, can be kept off the streets and imprisoned until a long-term supervised release program is instituted for the prisoner and the felon demonstrates a reduced propensity towards recidivism; and

Whereas the Governor of the State of California has stated his support for requiring all criminals who have committed certain serious violent crimes to be imprisoned under the State's indeterminate sentencing laws, which link a criminal's release date to the severity of the offense and the prospects for a crime-free life upon release: Now, therefore, be it

1 *Resolved*, That it is the sense of the House of Rep-
 2 resentatives that, to maximize public safety, the State of
 3 California should enact legislation to require that all
 4 criminals convicted in California State courts of serious
 5 violent crimes be imprisoned under the State's indetermi-
 6 nate sentencing system, which links a convicted criminal's

- 1 release date to the severity of the offense and the pros-
- 2 pects for a crime-free life after release.

○