



DEBRA BOWEN | SECRETARY OF STATE
STATE OF CALIFORNIA | ELECTIONS

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December 4, 2007

TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS/PROPONENT
(07248)

FROM:


KATHERINE MONTGOMERY
Elections Analyst

SUBJECT: **INITIATIVE #1299**

Pursuant to Elections Code section 336, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed initiative measure entitled:

**INMATES. REHABILITATION AND
VISITATION PROGRAMS. STATUTE.**

The proponents of the above-named measure are:

Catherine Langston
Danielle Swaze
P.O. Box 5095
Diamond Bar, CA 91765

#1299

**INMATES. REHABILITATION AND
VISITATION PROGRAMS. STATUTE.**

CIRCULATING AND FILING SCHEDULE

1. Minimum number of signatures required: 433,971
California Constitution, Article II, Section 8(b)
2. Official Summary Date: Tuesday, 12/04/07
3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (Elec. Code § 336) Tuesday, 12/04/07
 - b. Last day Proponent can circulate and file with the county.
All sections are to be filed at the same time within each
county. (Elec. Codes §§ 336, 9030(a)). Friday, 05/02/08
 - c. Last day for county to determine total number of
signatures affixed to petitions and to transmit total
to the Secretary of State (Elec. Code § 9030(b))..... Wednesday, 05/14/08

(If the Proponent files the petition with the county on a date prior to
05/02/08, the county has eight working days from the filing of the petition
to determine the total number of signatures affixed to the petition and to
transmit the total to the Secretary of State) (Elec. Code § 9030(b)).
 - d. Secretary of State determines whether the total number
of signatures filed with all county clerks/registrars of
voters meets the minimum number of required signatures
and notifies the counties..... Friday, 05/23/08*
 - e. Last day for county to determine total number of qualified
voters who signed the petition, and to transmit certificate
with a blank copy of the petition to the Secretary of State
(Elec. Code § 9030(d)(e)) Tuesday, 07/08/08

*Date varies based on the date of county receipt.

INITIATIVE #1299
Circulating and Filing Schedule continued:

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 05/23/08, the last day is no later than the thirtieth working day after the county's receipt of notification). (Elec. Code § 9030(d)(e)).

- f. If the signature count is more than 477,369 or less than 412,273 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 412,273 and 477,369 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of **all** signatures (EC §9030(f)(g); 9031(a)) Friday, 07/18/08*

- g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State. (Elec. Code § 9031(b)(c)).Friday, 08/29/08

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 07/18/08, the last day is no later than the thirtieth working day after the county's receipt of notification.) (Elec. Code § 9031(b)(c).)

- h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient (Elec. Code §§ 9031(d), 9033)Tuesday, 09/02/08*

*Date varies based on the date of county receipt.

IMPORTANT POINTS

- California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fundraising or requests for support. Any such misuses constitutes a crime under California law. Elections Code section 18650; *Bilofsky v. Deukmejian* (1981) 124 Cal.App.3d 825, 177 Cal.Rptr. 621; 63 Ops.Cal.Atty.Gen. 37 (1980).
- Please refer to Elections Code sections 100, 101, 104, 9001, 9008, 9009, 9021, and 9022 for appropriate format and type consideration in printing, typing and otherwise preparing your initiative petition for circulation and signatures. Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- Your attention is directed to the campaign disclosure requirements of the **Political Reform Act of 1974**, Government Code section 81000 et seq.
- When writing or calling state or county elections officials, provide the official title of the initiative which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- When filing the petition with the county elections official, please provide a blank petition for elections official use.

EDMUND G. BROWN JR.
Attorney General

State of California
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550

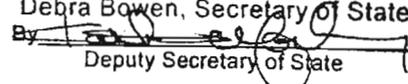
Public: (916) 445-9555
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Facsimile: (916) 324-8835
E-Mail: Krystal.Paris@doj.ca.gov

December 4, 2007

FILED
In the office of the Secretary of State
of the State of California

DEC 04 2007

Debra Bowen
Secretary of State
1500 - 11th Street, 5th Floor
Sacramento, CA 95814

Debra Bowen, Secretary of State
By 
Deputy Secretary of State

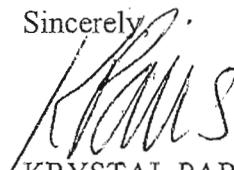
RE: Title and Summary for Initiative No. 07-0070
TITLE: INMATES. REHABILITATION AND VISITATION PROGRAMS. STATUTE.

Dear Ms. Bowen:

Pursuant to the provisions in sections 336 and 9004 of the Elections Code, enclosed please find a copy of the Title and Summary issued for Initiative Number 07-0070, along with the text of the proposed measure.

Please feel free to contact me with any questions.

Sincerely,


KRYSTAL PARIS
Initiative Coordinator

For EDMUND G. BROWN JR.
Attorney General

Enclosures

Proponent(s) public information:

Catherine Langston
Danielle Swaze
Family Comes First
P.O. Box 5095
Diamond Bar, CA 91765

Date: December 4, 2007
Initiative No. 07-0070

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

INMATES. REHABILITATION AND VISITATION PROGRAMS. STATUTE. Eliminates certain restrictions on prisoners' participation in educational and substance dependency classes and family visitation programs. Prohibits exclusion based on sentence, custody designation, prior crimes or disciplinary offenses and commitment offenses. Provides that inmates condemned to die are not eligible for family visitation program. Allows family visitation privileges only to inmates who: (1) are not residing in reception centers or administrative segregation/security housing units; (2) are competent to and have obtained a high school diploma or equivalent; (3) agree to random drug testing; (4) pay \$25 toward cost of a visit. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: Annual state prison operating costs that would range between several tens of millions and a few hundreds of millions of dollars annually, primarily to expand inmate educational and substance abuse programs. These costs could be more than offset by state savings due to reductions in the prison population resulting from expanding these programs. One-time capital outlay costs of between several tens of millions and several hundreds of millions of dollars to construct and renovate prison visiting, education, and substance abuse treatment facilities. (Initiative 07-0070.)



Family Comes First
PO Box 5095
Diamond Bar, CA 91765
www.FamilyVisiting.com

RECEIVED

OCT 12 2007

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

October 10, 2007

Office of the Attorney General
ATTN: Initiative Coordinator
1300 I Street
Sacramento, CA 95814

RE: Request for Title and Summary for Proposed Initiative

To Whom It May Concern:

We are enclosing a draft of a proposed statewide initiative measure which we have named "Public Safety through Prisoner Rehabilitation Act of 2008". We request that your office prepare a Title and Summary of this measure, as provided by law.

Also enclosed with this letter are two required affidavits, one from each of the proponents on the above-mentioned measure. Each proponent has listed the address which is on file as their legal address for purposes of voting. Additionally, there is a check for \$200 made out to the Attorney General.

Thank you for your attention to this filing. If you have any questions, you may contact either of us at the phone numbers listed on our individual affidavits.

Respectfully Submitted,

Catherine Langston

Danielle Swaze

Date 10-10-07

Encl: 4

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

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

PUBLIC SAFETY THROUGH PRISONER REHABILITATION ACT OF 2008

To the Honorable Secretary of State of California

We, the undersigned, registered, qualified voters of California, residents of the aforementioned County (or City and County), hereby propose a new statute(s) to the California Penal Code relating to Prison Rehabilitation Programs 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 at any special statewide election held prior to that general election or otherwise provided by law. The proposed statutory amendments read as follows:

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

PUBLIC SAFETY THROUGH PRISONER REHABILITATION ACT OF 2008

SECTION 1. TITLE

This initiative shall be known and may be cited as "PUBLIC SAFETY THROUGH PRISONER REHABILITATION ACT OF 2008".

SECTION 2. FINDINGS AND DECLARATIONS

The People of the State of California do hereby find and declare as follows:

(a) The people of the State of California are aware that an estimated 85% of California's 173,000 state prisoners have been sentenced to determinate prison terms, and will be released/paroled at some point in time, and this points to the importance of rehabilitation.

(b) The people know that since the release of those prisoners is inevitable, it is also true that the release of those prisoners will directly affect and have a definite impact upon the people and their respective communities.

(c) The people believe that the utmost importance should be given to the security and safety of the public and that this safety is predominately tied to the rehabilitation of prisoners, their family's support, and their successful reintegration into society upon their release.

(d) The people recognize that due to California prison overcrowding and other budget cutbacks, most rehabilitation programs have been cut down or completely removed.

(e) The people are also aware that the California Department of Corrections and Rehabilitation (CDCR) has not fully utilized the potential of quality visiting as a tool to enhance the establishment of the inmate's family values and to aid in their rehabilitation, nor have they made a priority of education or drug and alcohol programs.

(f) The people understand that the lack of prison rehabilitation programs has contributed to higher indices of violence, suicide, and recidivism.

(g) The people find and declare that three main components to successful rehabilitation are family, education, and freedom from drug and alcohol dependency.

(i) The people have long been aware that the rehabilitation of persons addicted to controlled substances, and the prevention of continued addiction to controlled substances, is a matter of statewide concern. (See Health and Safety Code 11554)

(ii) The people recognize that the legislature has already found that adult continuing education is essential to the needs of society in an era of rapid technological economic and social change and that all adults in CA are entitled to quality publicly supported continuing education opportunity. (See Education Code 8500) This principal element is thus extended to the prison population in order to provide for a corresponding reduction in the recidivism rate. (See Penal Code §2053)

(iii) Maintaining a prisoner's family and community relationships is a proven and effective correctional management technique which reduces recidivism (see Penal Code 6350)

(1) This is achieved through Visiting Room Contact Visits and Family Visits. Family Visits refer to overnight visits between an inmate and his/her immediate family (i.e. Parent or Step-Parent, Child or Stepchild, Grandparent, Sister, Brother, or Spouse) held in special, secured areas on prison grounds for periods of up to 72 hours. These visits are customary throughout the world. It is understood that in the USA, many states have a family visiting program and prison administrators encourage these family visits as a successful means of maintaining cooperation and peace between inmates and staff.

(2) In 1996 the Corrections Department in California eliminated eligibility for thousands of inmates who up till then had participated successfully in the Family Visiting program that was enacted by Governor Ronald Reagan in 1967.

(3) Whereas every California prison was constructed with buildings specifically designed for Family Visiting use, and whereas many of these units are not in use as intended, the people believe that returning these units to their original purpose will provide a cost-effective way to maintain family unity for prisoners and at the same time allow a greater use of the State building funds already spent.

SECTION 3. PURPOSE AND INTENT

It is the intent and purpose of the People of the State of California in enacting this measure to:

(a) Confirm and accept in their entirety the findings and declarations previously made by the legislature and, consequently, place a new emphasis and/or focus on rehabilitation programs designed to bring the people's mandate to fruition.

(b) Ensure that the Secretary of the California Department of Corrections and Rehabilitation acknowledge those aforementioned findings and declarations made by the legislature and the people and that they begin to take definitive steps toward the realistic and achievable goal of rehabilitating all of the prisoners currently incarcerated within California's prisons who are, themselves, making or are willing to make a concerted effort to rehabilitate themselves.

(c) Maintain a prisoner's family and community relationships through enhanced visitor services which, in turn, will discourage violent prisoner activity.

(d) Raise the percentage of prisoners who are functionally literate because the legislature has previously found and declared that there is a direct correlation between functionally literate prisoners, their successful reintegration into society upon release, and a corresponding reduction in the recidivism rate, (See Penal Code Section 2053-2053.1.).

(e) Ensure that prisoners have the opportunity to become drug and alcohol free while incarcerated.

SECTION 4. PROPOSED STATUTE

(1) Notwithstanding any other provision of law or department policy, the Secretary of CDCR shall ensure that all inmates who wish to participate in educational and/or drug and alcohol dependency classes be given the opportunity to do so regardless of their sentence, their custody designations, any prior guilty findings for any disciplinary offenses or crimes which were incurred prior to the enactment of this law, nor shall any prisoner be denied participation based on his/her commitment offense(s) or for any other reason not mentioned herein.

(2) (a) Notwithstanding any other provision of law or department policy, and providing that all of the below enumerated conditions are met, the Secretary of the California Department of Corrections and Rehabilitation shall permit all prisoners under their care, custody and control (except for those prisoners who are condemned to die or those who are assigned to a reception center, or administrative segregation/security housing unit) to participate in the family visiting program.

(b) Aside from those restrictions set forth in (2) (a) above, and those child victim visiting restrictions set forth in §1202.05 of the California Penal Code and §362.6 of the California Welfare and Institutions Code, there shall be no other restrictions with regard to participation except that prisoners shall be required before being allowed participation in the family visiting program, to meet the following conditions:

(c) The Secretary of CDCR shall require that any prisoner wishing to participate in the family visiting program must either have on file or obtain a high school diploma, high school equivalency, or G.E.D. Moreover, the Secretary and the Superintendent of Correctional Education shall use those resources provided under §§2053.1, 2053.4, 2054 and 2054.1 of the California Penal Code, to provide each prisoner wishing to participate in the family visiting program with an opportunity, monthly to take such a test. Individuals who are deemed to be mentally incompetent by any State agency shall not be required to obtain their G.E.D. as a condition of participation in the family visiting program.

(d) Provided that a prisoner has already obtained a high school diploma, high school equivalency or G.E.D. or has been given a waiver as set forth in (2)(c) above, he/she shall be required to agree to random drug testing as a condition of being allowed to participate in the family visiting program. Any inmate who tests positive for illegal substances shall be prohibited from participating in the family visiting program for a period of 3 months from the date of the positive test.

(e) Per each occasion of a scheduled and approved Family Visit, the inmate shall pay to the State a sum of \$25 (twenty-five dollars) to offset the expense of maintenance and repair of the family visiting housing units. This fee will be deducted from the inmate's trust account at the same time his account is debited for the cost of food purchased for the visit. When a family member places money into the inmate's Trust Account for food and for the maintenance fee, these funds shall not be subject to deductions for restitution. Each prison shall maintain a separate accounting of fees collected in this manner and shall appropriate these funds to no other purpose than for use in the family visiting units.

(3) Family visits shall not be denied to any prisoner based on their sentence, their custody designations, any prior guilty findings for any disciplinary offenses or crimes which were incurred prior to the enactment of this law, nor shall any prisoner be denied participation based on his/her commitment offense(s) or for any other reason not mentioned herein; further, while a violation of any visiting rule or regulation may result in a prisoner being denied participation in the family visiting program, such denial through disciplinary action shall be for a specified period of time not to exceed 180 days.

SECTION 5. SEVERABILITY

If any provision of this act or the application thereof to any person or circumstance is held invalid or unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and effect. Such invalidity shall not affect other provisions or applications that can reasonably be given effect in the absence of the invalid provision or application.

SECTION 6. CONFLICTING BALLOT MEASURES

In the event that this measure and another measure or measures relating to California prisoners and their rehabilitation is approved by a majority of voters in the same election, and this measure receives a greater number of affirmative votes than any other such measure or measures, this measure shall control in its entirety, and said other measure or measures shall be rendered void and without any legal effect. If this measure is approved but does not receive a greater number of affirmative votes than said other measure or measures, this measure shall take effect to the extent permitted by law.

SECTION 7. AMENDMENT

The Legislature shall not amend or repeal this initiative statute by another statute without the approval of the electors pursuant to Article 11, §10, sub-division (c) of the California Constitution.

