



DEBRA BOWEN | SECRETARY OF STATE
STATE OF CALIFORNIA | ELECTIONS

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September 26, 2007

TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS/PROPONENT
(07149)

FROM:


KATHERINE MONTGOMERY
Elections Analyst

SUBJECT: **INITIATIVE #1272**

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:

**INCREASE IN PRISONER RIGHTS.
STATUTE.**

The proponent of the above-named measure is:

Ann Smith
12625 Fredrick Street, Suite I5-141
Moreno Valley, CA 92553

(951) 210-9149

#1272

INCREASE IN PRISONER RIGHTS.
STATUTE.

CIRCULATING AND FILING SCHEDULE

1. Minimum number of signatures required: 433,971
California Constitution, Article II, Section 8(b)
2. Official Summary Date: Wednesday, 09/26/07
3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (Elec. Code § 336) Wednesday, 09/26/07
 - 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)) Monday, 02/25/08*
 - 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))..... Thursday, 03/06/08

(If the Proponent files the petition with the county on a date prior to
02/25/08, 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 Saturday, 03/15/08**
 - 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)) Monday, 04/28/08

* Date adjusted for official deadline, which falls on a weekend (Elec. Code § 15).

**Date varies based on the date of county receipt.

INITIATIVE #1272
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 03/15/08, 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 (Elec. Code §§ 9030(f)(g), 9031(a)) Thursday, 05/08/08*

- 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, 06/20/08

(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 05/08/08, 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, 06/24/08*

*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

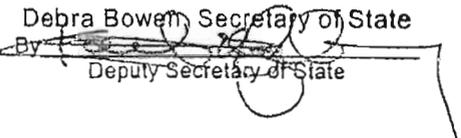
Public: (916) 445-9555
Telephone: (916) 445-1968
Facsimile: (916) 324-8835
E-Mail: Toni.Melton@doj.ca.gov

September 26, 2007

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

SEP 26 2007

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

Debra Bowen, Secretary of State
By 
Deputy Secretary of State

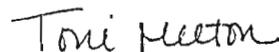
RE: Title and Summary for Initiative No. 07-0040
TITLE: INCREASE IN PRISONER RIGHTS. STATUTE.

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 07-0040 and text of the proposed measure.

Should you have any questions regarding the above, please do not hesitate to contact me.

Sincerely,



TONI MELTON
Initiative Secretary

For EDMUND G. BROWN JR.
Attorney General

Enclosures

Proponent's public information:

Ann Smith
Families United for Prison Reform
12625 Fredrick Street, Suite 15-141
Moreno Valley, CA 92553

Telephone: 951 210 9149
E-mail: info@californiaprisonreform.org

Date: September 26, 2007
Initiative No. 07-0040

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

INCREASE IN PRISONER RIGHTS. STATUTE. Amends California Penal Code to provide additional rights to adult prisoners. Requires that prisoners have a right to: 1) confidential meetings and correspondence with media; 2) minimum 56 hours per week visitation; 3) minimum time periods for recreation and entertainment; 4) contact and family overnight visitation for inmates not housed in segregation, security, or intake; 5) specified minimum access to personal property, canteen goods, and entertainment appliances; 6) specified minimum telephone access; and 7) access to movies rated "PG-13," "R," and "NC-17." Eliminates prison authorities' discretion to prohibit access to material deemed obscene. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: Increased prison operating costs of several tens of millions of dollars annually primarily to increase inmate access to visiting. One-time capital outlay costs of up to a couple tens of millions of dollars to construct and renovate prison visiting facilities. (Initiative 07-0040.)

Families United for Prison Reform

August 4, 2007

RECEIVED

AUG - 6 2007

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

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Re: Request for Title and Summary for Proposed Initiative

Dear Ms. Galvin:

Enclosed please find a draft of the proposed statewide initiative ballot measure to your office that we are referring to as the "Prisoner Rights Act of 2008". We request that you prepare a title and summary of the measure as provided by law.

Included with this submission as Appendix "A" is the required proponent affidavit signed by the proponent of this measure as pursuant to section 9608 of the California Elections Code. This Appendix also contains the address as registered to vote. We have also included a check for \$200 for the filing fee.

Thank you for your attention. If you have any questions, please contact me at the address and phone number supplied in Appendix A.

Respectfully,



Ann Smith



Date

Enclosures

THE PRISONER RIGHTS ACT OF 2008

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

TO THE HONORABLE SECRETARY OF THE STATE OF CALIFORNIA:

We, the undersigned, registered qualified voters of the State of California, residents of the County (or City and County) described on the signature page of this petition section, hereby propose amendments to Penal Code Sections 2600 and 2601, relating to the rights of prisoners currently incarcerated in the State of California, and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding primary or general election or at any special statewide election held prior to that primary or general election or as otherwise provided by law. The proposed statutory initiative reads as follows:

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

SECTION 1. TITLE

This initiative shall be known as and shall be cited as The Prisoner Rights Act of 2008.

SECTION 2. FINDINGS AND DECLARATIONS

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

(a) There is a direct correlation between prisoners who are functionally literate and those who successfully reintegrate into society upon their release [Penal Code §2053];

(b) There is a direct correlation between functionally literate prisoners and a corresponding reduction in the recidivism rate [Penal Code §2053];

(c) It is in the interest of public safety to provide as much educational, vocational, family and personal counseling as is necessary to assist parolees in making their transition from incarceration to freedom [Penal Code §3074];

(d) Maintaining a prisoner's family and community relationships and enhancing visitor services is an effective correctional technique which reduces recidivism and discourages violent prisoner activity [Penal Code §6350];

(e) It is important that the California Department of Corrections & Rehabilitation support and encourage all prisoners in any sincere attempt to transform themselves into upstanding, law-abiding, contributing members of society;

(f) Nothing productive can come from a system that uses discipline and punishment as the foundation for correcting the behavior of prisoners; furthermore, an absence of "rights" or incentives reinforces the erroneous view that such systems are viable.

SECTION 3. PURPOSES

The People do hereby enact this measure to:

(a) Provide prisoners with a comprehensive set of "rights" in order to ensure that the larger goal of the rehabilitation of the masses of prisoners be recognized and encouraged by the California Department of Corrections & Rehabilitation;

(b) Provide prison officials with a set of guidelines and incentives for programming which places the emphasis not on the punishment aspect of incarceration but on the rehabilitation aspect instead;

SECTION 4. AMENDMENTS TO SECTION 2600 OF THE PENAL CODE

(This format presents struck wording in ~~[strikeout]~~ and new wording in *[italics]*.)

Section 2600 of the California Penal Code is hereby amended to read:

§ 2600. Rights lost during imprisonment.

A person sentenced to imprisonment in a state prison may during that period of confinement be deprived of such rights, and only such rights, as ~~is reasonably related to legitimate penological interests, are denied them by the State or Federal Constitution or by the California Penal Code.~~

Nothing in this section shall be construed to permit the involuntary administration of psychotropic medication unless the process specified in the permanent injunction, dated October 31, 1986, in the matter of Keyhea v. Rushen, 178 Cal. App. 3d 526, has been followed. The judicial hearing for the authorization for the involuntary administration of psychotropic medication provided for in Part III of the injunction shall be conducted by an administrative law judge. The hearing may, at the direction of the director, be conducted at the facility where the inmate is located.

Nothing in this section shall be construed to overturn the decision in Thor v. Superior Court, 5 Cal. 4th 725.

SECTION 5. AMENDMENTS TO SECTION 2601 OF THE PENAL CODE

(This format presents struck wording in ~~[strikeout]~~ and new wording in *[italics]*.)

Section 2601 of the California Penal Code is hereby amended to read:

§ 2601. Guaranteed rights. Subject only to the provisions of that section, each person described in Section 2600 shall have the following civil rights:

(a) Except as provided in Section 2225 of the Civil Code, to inherit, own, sell, or convey real or personal property, including all written and artistic material produced or created by the person during the period of imprisonment. However, to the extent authorized in Section 2600, the Department of Corrections and Rehabilitation may restrict or prohibit sales or conveyances that are made for business purposes.

(b) To correspond or meet, confidentially, with any member of the State Bar or holder of public office or any member of the news media, provided that the prison authorities may (*with respect to correspondence*), open and inspect incoming mail *in the prisoners presence* to search for contraband;

(c)(1) To purchase, receive, and read any and all newspapers, periodicals, and books accepted for distribution by the United States Post Office. Pursuant to this section, prison authorities may exclude any of the following matter:

(A) ~~Obscene publications or writings, and mail containing information concerning where, how, or from whom this matter may be obtained.~~

(B)(A) Any matter of a character tending to incite murder, arson, riot, violent racism, or any other form of violence.

(C)(B) Any matter concerning gambling or a lottery.

(2) Nothing in this section shall be construed as limiting the right of prison authorities to do the following:

(A) Open and inspect any and all packages received by an inmate.

(B) Establish reasonable restrictions as to the number of newspapers, magazines, and books that the inmate may have in his or her cell or elsewhere in the prison at one time.

(d) To initiate civil actions, subject to a three dollar (\$3) filing fee to be collected by the Department of Corrections and Rehabilitation, in addition to any other filing fee authorized by law, and subject to Title 3a (commencing with Section 391) of the Code of Civil Procedure.

(e) To marry.

(f) To create a power of appointment.

(g) To make a will.

(h) To receive all benefits provided for in Sections 3370 and 3371 of the Labor Code and in Section 5069.

(i) To receive a minimum of fifty-six (56) hours of visiting on a weekly basis (excluding all nationally recognized holidays).

(j) To receive contact visits (except for prisoners who have been assigned to an administrative segregation/security housing unit or reception center; those prisoners are entitled to non-contact visits).

(k) To receive overnight family visits (except for prisoners who have been assigned to an administrative segregation/security housing unit or reception center).

(l) To receive a minimum of twenty-five (25) hours of outdoor exercise, recreation and/or entertainment activities on a weekly basis if unemployed and a minimum of twelve (12) hours if employed;

(m) To receive: (1) personal packages on a quarterly basis (either directly from family/friends or an approved vendor); (2) regular telephone calls (at least four per month, limited only by telephone capability); (3) monthly canteen draws in the amounts currently authorized by the California Code of Regulations, Title 15; (4) access to a hobby, handicraft and/or music program; (5) special purchases of televisions, radios (including "boom-boxes" if the prisoner consents to having his/her speaker wires cut), television/radio combinations, compact discs/cassette tapes (all of which must be purchased from an approved vendor);

(n) To view any movie rated "PG-13", "R", or "NC-17" (except that wards of the California Youth Authority may not be allowed to view any movie rated "R" or "NC-17").

SECTION 6. SEVERABILITY

If any provision of this measure or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications which can reasonably be given effect in the absence of the invalid provision or application in order to effectuate the purposes of this Act.

SECTION 7. CONFLICTING BALLOT MEASURES

In the event that this measure or measures relating to the rights of California prisoners is approved by a majority of voters at 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 8. EFFECTIVE DATE

This Act shall become effective immediately upon its approval by the voters.

SECTION 9. AMENDMENT

The legislature shall not amend or repeal this initiative statute by another statute without the approval of the electors pursuant to Article II, Section 10, subdivision(c) of the California Constitution.