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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.