

LAO

April 17, 2015

Hon. Kamala D. Harris
Attorney General
1300 I Street, 17th Floor
Sacramento, California 95814

Attention: Ms. Ashley Johansson
Initiative Coordinator

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INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Dear Attorney General Harris:

Pursuant to Elections Code Section 9005, we have reviewed a proposed statutory initiative (A.G. File No. 15-0008) related to criminal penalties.

Proposal

This measure would make it a crime, punishable by up to ten years in prison and/or a fine of \$1 million and/or expulsion from the state, to transmit “sodomistic propaganda” to individuals under the age of 18. Under the measure, it would also be a crime, punishable by death, to willingly touch another person of the same gender for purposes of sexual gratification. The measure also prohibits “sodomites” and individuals who transmit sodomistic propaganda or those who belong to any group that does so, from serving in public office or employment and from receiving public benefits.

Fiscal Effect


The measure’s fiscal impact on state and local governments would depend on how many of its provisions were implemented. This is because many of the provisions of the measure would likely be determined by the courts to be in conflict with the U.S. Constitution—for example, in regards to the First Amendment, which prohibits the establishment of state laws abridging the freedom of speech, and the Eighth Amendment, which prohibits cruel and unusual punishment. Such legal determinations would significantly impact the measure’s implementation. As a result, the fiscal effects of the measure are uncertain.

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Fiscal Summary. This measure would have the following fiscal impact:

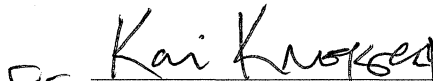
- Uncertain fiscal effect on state and local governments, as it would depend on how many of the measure's provisions are implemented.

Sincerely,



for

Mac Taylor
Legislative Analyst



for

Michael Cohen
Director of Finance