RESOLUTION - ACTION REQUESTED 2012-460

MEETING: September 11, 2012

TO: The Board of Supervisors

FROM: Janet Bibby, District III Supervisor

RE: Board Letter Requesting Veto of SB9 (Yee)

RECOMMENDATION AND JUSTIFICATION: Approve a Letter Requesting the Governor's Veto of SB 9 - California Fair Sentencing for Youth (Yee), and Authorize the Board of Supervisors Chair to Sign the Letter. SB 9 will allow a defendant who was under the age of 18 at the time of an offense that resulted in a sentence of life without parole (LWOP), to petition the sentencing court, after the inmate has served 15 years of the sentence, to re-sentence the inmate to a lesser term. The majority of inmates that this bill will apply to are inmates who were convicted of first degree of murder with special circumstances and who were 16 or 17 years of age at the time of the offense.

The California District Attorneys Association is requesting that the Governor veto this bill. The Mariposa County District Attorney was consulted on this letter and is in agreement with its contents.

Please see that attached draft letter.

BACKGROUND AND HISTORY OF BOARD ACTIONS: The Board has approved letters on issues that may have an impact of the residents of Mariposa County.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION: Do not approve the letter. Individual Board members may write their own letters which may not carry the same weight as a letter from the entire Board.

ATTACHMENTS:
SB 9 oppose (DOCX)

CAO RECOMMENDATION
Requested Action Recommended
Resolution - Action Requested 2012-460

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER: Lyle Turpin, District II Supervisor
SECONDER: Jim Allen, District V Supervisor
AYES: Stetson, Turpin, Bibby, Cann, Allen
September 11, 2012

The Honorable Edmund G. Brown, Jr.
Governor, State of California
State Capitol
Sacramento, California 95814

RE: Senate Bill 9 – VETO Request

Dear Governor Brown:

The Mariposa County Board of Supervisors respectfully requests that you veto SB 9 (Yee). This bill will allow a defendant who was under the age of 18 at the time of an offense that resulted in a life sentence without the possibility of parole (LWOP), to petition the sentencing court after the defendant has served 15 years of the sentence, to be resentenced to a lesser term.

The inmates that this bill applies to are comprised almost solely of persons who were convicted of first degree murder with one or more special circumstances and who were 16 or 17 years old at the time of the offense. Existing law properly recognizes that there are juveniles who commit special circumstances murder and that the LWOP is an appropriate sentence. Additionally, the statute acknowledges the possibility of an exception and grants judicial discretion to impose a lesser sentence of 25 years to life.

The current process which generally affords criminal defendants the right to appeal, file a writ of habeas corpus, and ultimately seek executive clemency works and there is no need at the current time for alterations. We oppose SB 9 because it threatens to steal the finality of justice from murder victims’ families and opens the door for dangerous murderers who have been lawfully sentenced to LWOP to someday be released.

Thank you for your consideration of this request.

Sincerely,

[Signature]

JANET BIBBY
Chairman