

Legislative Department

April 6, 2009

The Honorable Mark Leno, Chair
Senate Public Safety Committee
State Capitol, Room 4061
Sacramento, Ca 95814

RE: Senate Bill 399 (Senator Yee)—Support

Dear Chair Leno:

On behalf of the California Correctional Peace Officers Association, I am writing to inform you of our support for Senate Bill 399 (Senator Yee), relating to the reconsideration of life without the possibility of parole sentences imposed on defendants under the age of 18.


Under existing law, defendants under the age of 18, convicted of certain very serious crimes, may be sentenced to a term of life without the possibility of parole. SB 399 provides a mechanism for such sentences to be reconsidered by the courts if certain factors exist.


CCPOA recognizes the very serious nature of the crimes that result in a teenager receiving a sentence of life without the possibility of parole. Yet, we also recognize that such persons may undergo significant changes while incarcerated. Your measure provides a mechanism for such cases to be reconsidered by the courts after a specified determination is made by the Board of Parole Hearings or the Secretary of the Department of Corrections and Rehabilitation.

SB 399 presents a difficult policy choice. From one viewpoint, it can be argued that the courts gave careful consideration to the case factors before imposing this extremely serious sentence and that such a sentence should not be modified at a later date. On the other hand, a case can be made that such offenders are capable of undergoing significant personal changes, and the courts should have a mechanism for reassessing such a sentence. SB 399 does not impose a change in a sentence of life without the possibility of parole. Rather, it requires the court to consider the possibility of modifying the sentence. Therefore, CCPOA considers SB 399 a useful mechanism for dealing with these cases.

Thank you for considering our views on this measure.

Sincerely,


Stephen B. Walker
Director, Legislative Affairs
California Correctional Peace Officers Association

CC: Senator Yee
Ms. Alison Anderson, Chief Counsel, Senate Public Safety Committee
Mr. Eric Csizmar, Senate Republican Caucus 

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