CITY OF SACRAMENTO

DEPARTMENT OF POLICE

HALL OF JUSTICE   SACRAMENTO, CALIFORNIA 95814

813 - 6TH STREET   TELEPHONE (918) 449-5121   April 9, 1985

JOHN P. KEARNS
CHIEF OF POLICE

Law and Legislative Committee
City Council
Sacramento, CA 95814

Honorable Members in Session:

SUBJECT: REQUEST FOR SUPPORT OF SENATE CONSTITUTIONAL AMENDMENT 9

SUMMARY

During the current session of the State Legislature, Senator Daniel
Boatwright proposed a State Constitutional Amendment that would
give California's Governor the authority to halt the parole of
convicted murderers from State Prison. This measure is Senate
Constitutional Amendment 9.

BACKGROUND

Senator Boatwright first proposed this constitutional amendment
in 1983 during Governor Deukmejian's attempt to prevent the release
of convicted killer William Archie Fain.

The State Department of Corrections has presented additional information
as to previously released first-degree murderers. Three hundred and
six previously convicted first-degree murderers have been sent back
to prison between January 1, 1973 and June 30, 1984, a third of
them convicted of new crimes ranging from murder and rape to drug
offenses.

Senate Constitutional Amendment 9 would specifically empower the
Governor to review the decision of the State Parole Authority to
release a convicted murderer and would give the state's chief
executive 30 days in which to affirm, modify or reverse the decision.

We long ago established a precedent for Senate Constitutional Amend-
ment 9 within the State Constitution, which authorizes the Governor
to grant reprieves, pardons and commutations after sentencing. If
approved by the Legislature, the measure would appear on the June,
1986 ballot.

RECOMMENDATION:

I request the Law and Legislative Committee to support this
legislation by corresponding with our elected representatives
and request they vote for this Constitutional Amendment.
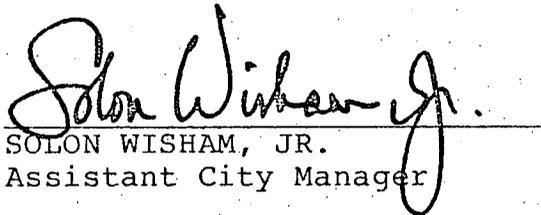
Sincerely,
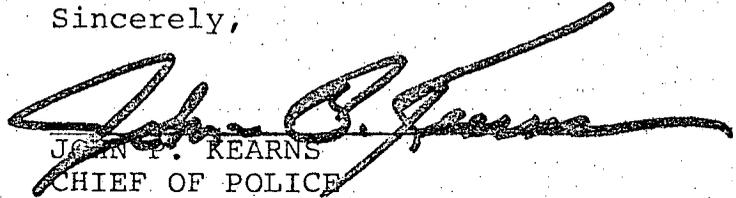
JOHN P. KEARNS
CHIEF OF POLICE

JPK:lf

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APPROVED:

SOLON WISHAM, JR.
Assistant City Manager

Introduced by Senator Boatwright

January 17, 1985

Senate Constitutional Amendment No. 9—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 8 of Article V thereof, relating to the Governor.

LEGISLATIVE COUNSEL'S DIGEST

SCA 9, as introduced, Boatwright. The Governor.

Existing provisions of the California Constitution permit the Governor, subject to application procedures provided by statute, to grant a reprieve, pardon, and commutation after sentence, except in the case of an impeachment. A twice-convicted felon may not be granted a pardon or commutation except upon the recommendation of 4 judges of the Supreme Court. The Governor is required to report to the Legislature on reprieves, pardons, and commutations granted.

This measure would provide that no decision of the parole authority of this state concerning granting, denial, revocation, or suspension of parole of a person sentenced to an indeterminate term upon conviction of murder shall become final for a period of 30 days, during which the Governor could review the decision. The Governor could only affirm, modify, or reverse the decision of the parole authority on the basis of the same factors the parole authority is required to consider. The Governor would be required to report to the Legislature on the decisions reviewed.

Vote: ⅔. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

1 *Resolved by the Senate, the Assembly thereof*
2 *concurring,* That the Legislature of the State of California
3 at its 1985–86 Regular Session commencing on the third
4 day of December, 1984, two-thirds of the members
5 elected to each of the two houses of the Legislature
6 voting therefor, hereby proposes to the people of the
7 State of California that the Constitution of the State be
8 amended by amending Section 8 of Article V thereof, to
9 read:
10 SEC. 8. *(a)* Subject to application procedures
11 provided by statute, the Governor, on conditions the
12 Governor deems proper, may grant a reprieve, pardon,
13 and commutation, after sentence, except in case of
14 impeachment. The Governor shall report to the
15 Legislature each reprieve, pardon, and commutation
16 granted, stating the pertinent facts and the reasons for
17 granting it. The Governor may not grant a pardon or
18 commutation to a person twice convicted of a felony
19 except on recommendation of the Supreme Court, 4
20 judges concurring.
21 *(b) No decision of the parole authority of this state*
22 *with respect to the granting, denial, revocation, or*
23 *suspension of parole of a person sentenced to an*
24 *indeterminate term upon conviction of murder shall*
25 *become final for a period of 30 days, during which the*
26 *Governor may review the decision. The Governor may*
27 *only affirm, modify, or reverse the decision of the parole*
28 *authority on the basis of the same factors which the*
29 *parole authority is required to consider. The Governor*
30 *shall report to the Legislature each parole decision*
31 *affirmed, modified, or reversed, stating the pertinent*
32 *facts and reasons for the action.*

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