

**REPORT OF THE  
CHIEF LEGISLATIVE ANALYST**

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DATE: October 19, 2016

TO: Honorable Members of the Rules, Elections, Intergovernmental Relations, and  
Neighborhoods Committee

FROM: Sharon M. Tso *Sharon M. Tso* Council File Nos: 15-0002-S221, S222  
Chief Legislative Analyst Assignment No: 16-10-0848

SUBJECT: Resolution (Cedillo - Bonin) to oppose Proposition 66 and Resolution (Cedillo -  
Bonin) to support Proposition 62

CLA RECOMMENDATIONS:

1. Adopt Resolution (Cedillo - Bonin, Council File No. 15-0002-S221) to include in the City's 2015-2016 State Legislative Program OPPOSITION to Proposition 66, the Death Penalty Reform and Savings Act; and
2. Adopt Resolution (Cedillo - Bonin, Council File No. 15-0002-S222) to include in the City's 2015-2016 State Legislative Program SUPPORT for Proposition 62, the Justice that Works Act of 2016.

SUMMARY

On September 28, 2016, two Resolutions to take positions on Propositions on the November 2016 ballot related to the death penalty were introduced.

Resolution (Cedillo – Bonin, C.F. No 15-0002-S221) was introduced to oppose Proposition 66, the Death Penalty Reform and Savings Act, which would reform the death penalty process in order to expedite execution in California. This Resolution states that under current law, California courts sentence numerous people to death each year, even though the State rarely carries out executions. The Resolution states that, in an effort to address this, Proposition 66 would expedite the death penalty process. The Resolution states that Proposition 66 would likely result in significant costs to the taxpayer for death row facilities and legal defense requirements for individuals sentenced to death; would strain an already overburdened legal system and force death penalty appeals on inexperienced judges; and increase the likelihood of an individual who has been wrongly sentenced to death being executed. The Resolution, therefore, seeks an official position of the City of Los Angeles to oppose Proposition 66.

Resolution (Cedillo – Bonin, C. F. No. 15-0002-S222) was introduced to support Proposition 62, the Justice that Works Act of 2016, which would repeal the death penalty in California and replace death sentences with sentences of life in prison without the possibility of parole. The Resolution states that by replacing the death penalty with life imprisonment without the possibility of parole, Proposition 62 would keep violent criminals off of the streets, save the State a significant amount of money and eliminate the risk of an innocent person being executed. The Resolution, therefore, seeks an official position of the City of Los Angeles to support Proposition 62.

## BACKGROUND

Two death penalty-related initiatives will appear on the November 8, 2016 ballot. The first is Proposition 62, the Justice that Works Act of 2016, which if approved would repeal the death penalty and replace it with sentences of life in prison without the possibility of parole. The second is Proposition 66, the Death Penalty Reform and Savings Act, which if approved would make changes to the death penalty process in an effort to speed up executions. If both measures receive more than 50 percent of the vote, the one that receives more votes will go into effect.

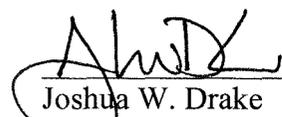
Since the death penalty was reinstated in California in 1978, only 13 people have been executed. Further, there have been no executions by the State since a 2006 court decision halted lethal injections due to concerns that the method was unconstitutional. Currently, there are 747 inmates on death row. Proponents of both Propositions agree that the current death penalty system is broken, but would address this problem in differing ways.

Proposition 62 would repeal the death penalty and replace it with life sentences without the possibility of parole. Proponents of this initiative state that the death penalty is incredibly expensive, with the State spending more than \$5 billion since 1978 on the death penalty. Further, proponents of Proposition 62 state that there is a real risk of an innocent person being sentenced to death. DNA and new evidence has resulted in nearly 150 people across the United States that have been convicted of murder and sentenced to death only to have their sentences rescinded, so it is possible that a person in California could be wrongfully sentenced to death. Proponents of Proposition 62 believe the best course of action is to repeal the death penalty, which would result in significant savings to the State and eliminate the risk of a wrongfully convicted person being executed, while keeping violent criminals off of the streets for the rest of their lives.

According to the California Legislative Analyst's Office (LAO), repealing the death penalty and replacing it with life sentences without the possibility of parole could result in a reduction in State and county costs related to murder trials, legal challenges to death sentences and prisons of around \$150 million annually within a few years.

In contrast to Proposition 62, Proposition 66 would instead institute reforms to the State's death penalty in an effort to speed the process up and execute more people. Proposition 66 would significantly revamp the hearing process, place time limits on legal challenges to death sentences, change the process for appointing attorneys to represent individuals sentenced to death and make other changes, all in an effort to streamline the death penalty process.

Proponents of Proposition 66 argue that these changes will save the State millions of dollars each year spent on housing inmates, while ensuring that the death penalty is actually enforced. However, the LAO states that there would be near-term increases in State court costs due to accelerated spending to meet new timeline requirements, and that there is an unknown fiscal impact on State courts related to processing legal challenges to death sentences. Further, if Proposition 66 is adopted, it would likely open the door to legal challenges, resulting in additional costs to the taxpayer.

  
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Joshua W. Drake  
Analyst

SMT:jwd  
Attachments:

Resolution (Cedillo - Bonin) Council File 15-0002-S221  
Resolution (Cedillo - Bonin) Council File 15-0002-S222

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, under current law, California sentences numerous people convicted of first degree murder to death each year, even though the state rarely carries out executions; and

WHEREAS, the death penalty costs the state approximately \$178 million each year, despite the fact that no executions have been carried out in almost 11 years; and

WHEREAS, in order to reform this, proponents of the death penalty have put forward Proposition 66, the Death Penalty Reform and Savings Act, which will expedite the death penalty process; and

WHEREAS, Proposition 66 would cost the taxpayers a significant amount of money, as the state would have to fund the legal defense of more individuals sentenced to death and likely construct more death row facilities; and

WHEREAS, Proposition 66 would increase the likelihood that an innocent individual would be executed by the state, as it would condense the hearing process and reduce the amount of time an individual has to appeal their sentence; and

WHEREAS, Proposition 66 would overburden an already strained court system with death penalty cases, and force death penalty appeals cases on inexperienced judges; and

WHEREAS, the death penalty is an outdated and expensive punishment, and has no deterrent value; and

WHEREAS, the state should be working to eliminate the death penalty, not expand it;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2015 - 2016 State Legislative Program OPPOSITION to Proposition 66, the Death Penalty Reform and Savings Act of 2016, which would reform the death penalty process in order to expedite executions.

PRESENTED BY:

  
GILBERT A. CEDILLO  
Councilmember, 1<sup>st</sup> District

SECONDED BY:



SEP 28 2016

jwd



ORIGINAL

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, under current law, California sentences numerous people convicted of first degree murder to death each year, even though the state rarely carries out executions; and

WHEREAS, since 1978, almost 1,000 people have been sentenced to death, but only 13 individuals have been executed, and the state has not carried out an execution in nearly 11 years; and

WHEREAS, the death penalty system has cost the taxpayers more than \$4 billion since 1978, nearly \$178 million a year, despite the fact that very few executions have been carried out; and

WHEREAS, the death penalty also carries the risk that the state could execute an innocent individual, despite the years of required appeals and multiple hearings that convicted individuals are entitled to; and

WHEREAS, Proposition 62, which will be on the November 2016 ballot, would end the death penalty in California, and replace death sentences with a sentence of life in prison without the possibility of parole; and

WHEREAS, Proposition 62 keeps violent criminals off of the streets for good, while saving the state a significant amount of money and eliminating the risk of executing an innocent person;

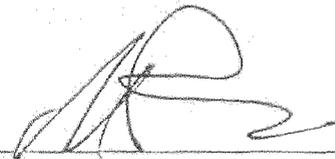
NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2015 - 2016 State Legislative Program SUPPORT for Proposition 62, the Justice that Works Act of 2016, which would repeal the death penalty in the state of California, and replace it with a sentence of life in prison without the possibility of parole.

PRESENTED BY:



GILBERT A. CEDILLO  
Councilmember, 1<sup>st</sup> District

SECONDED BY:



jwd

SEP 28 2016



ORIGINAL