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## State sentencing bill advances

### Despite broad opposition, measure to ease prison crisis clears a Senate committee

By Andy Furillo - Bee Capitol Bureau

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A bill to place state sentencing policy in the hands of a newly created commission passed its first legislative test Tuesday, but not until some of the heaviest hitters in California law enforcement took some meaty swipes at it.

The California District Attorneys Association, the California Police Chiefs' Association, the Police Officers Research Association of California and representatives of seven other groups all stepped forward at the state Senate's Public Safety Committee meeting to rip the measure proposed as a major fix to the state's incarceration crisis.

Mostly, the groups blasted the outlines of the sentencing commission proposed by state Sen. Gloria Romero, D-Los Angeles, as taking authority away from the elected Legislature and giving it to a panel featuring a mixture of appointees put there by the governor, lawmakers and the courts.

"Our concern about the bill is that it fundamentally creates a system that is not transparent and not accountable," said John Lovell, a lobbyist representing three law enforcement groups, including the police chiefs. "This bill vests virtually unfettered power to (remake) California's sentencing laws in the hands of nine unelected people, accountable only to themselves."

Romero said she was "disappointed" in the opposition to Senate Bill 110 that was expressed by the police and prosecutor groups representing both labor and management. But she expressed satisfaction that the bill still passed the committee she chairs on a 3-2 party-line vote. Romero also predicted successful, if not smooth, sailing as it moves to the Senate Appropriations Committee, to the

chamber's floor and then over to the Assembly, where a similar bill being carried by Assemblywoman Sally Lieber, D-Mountain View, also is getting aired.

"I'm hopeful of working with them to iron out a bill where they can come on board," Romero said of the law enforcement organizations. "But we're going to proceed."

Romero's bill, which enjoys the backing of Senate President Pro Tem Don Perata, D-Oakland, would create a 16-member commission empowered to analyze the entire structure of California's sentencing system and then have the power to either lower or enhance the length of the existing terms. The commission's recommendations would then carry the full force of law, unless two-thirds of each house of the Legislature voted to override them.

Republicans have criticized the concept as a disguised early-release program for inmates, although supporters of the commission envisioned by Romero say it would only regulate the inflow of inmates and reserve precious bed space for the most serious offenders in a system that is now jammed to twice its designed capacity. The proposal would not allow the commission to reduce sentences for current inmates.

"It's our belief that had this system been in place 10 years ago, we would not be in the position we're in today," said Dan Hancock, a member of the Little Hoover Commission, the state governmental watchdog agency that supports a commission like the one proposed by Romero. He was referring to threats by three federal judges to take steps toward imposing population caps if the state doesn't act by June on the prison overcrowding problem.

Gov. Arnold Schwarzenegger also has laid out his version of a sentencing commission, but his model would be only advisory. Many of the opponents of the Romero version said they would favor amendments to SB 110 that left the commission looking like Schwarzenegger's, but Romero said the body has to have "teeth," or lawmakers will be left to deal with more prison overcrowding problems in the future, even if the governor gets his \$10.9 billion prison and jail expansion plan that would add 78,000 beds to the state and local systems.

"We can't do business as usual," Romero said. "We need substantive change."

About 20 other states already have sentencing commissions, many of them modeled on the authoritative version favored by Romero.

In an interview outside the hearing, Tim Yaryan, the representative of the Association for Los Angeles Deputy Sheriffs labor group, said the panel as proposed by Romero could have the authority to overturn legislation such as the state's "three-strikes" law for repeat offenders.

Kara Dansky, the executive director of the Stanford Criminal Justice Center and an adviser to Romero on her sentencing commission proposal, said that discussion of the three-strikes law raises "a constitutional issue that still needs to be looked at."

Dansky added that "nobody's talking about three strikes" in the ongoing discussion of a California sentencing commission, "so it's a non-starter."

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