

## **HOW PROPOSITION 9 (MARSY'S LAW) IMPACTS LIFERS**

1. Dramatically increases the maximum period of a parole denial to ***fifteen*** years from two years for prisoners convicted of crimes other than murder, and from five years for those convicted of murder;
2. Requires that the maximum 15-year denial period also be the ***default*** denial period in all cases, even for those with minimum prison terms of only seven years (i.e., most cases not involving murder).
3. Replaces the ***minimum*** denial period of one year with a minimum period of three years, eliminating the Board's ability to deny parole for only one or two years – the options previously chosen by the Board in 72% of all parole denials before Proposition 9.
4. Creates new hurdles the Board's commissioners must overcome (i.e., finding "clear and convincing evidence") to justify a denial period shorter than fifteen years. In fact, the denial period is now determined through a process of ***decreasing*** lengths from fifteen years to ten, seven, five, and then three years. Under the prior law, the denial period was reached through a process of ***increasing*** lengths from one year to five years – and even then only in exceptional circumstances.
5. Drastically reduces the availability of an earlier review following a lengthy denial period. Rather than an automatic review after three years, there is now an optional review that is only available if the prisoner makes a request (available only once every three years) and establishes changed circumstances or new information.
6. Requires 90 days' advance notice instead of 30 days' advance notice of parole hearings be provided to victims, their next of kin and other representatives.
7. Substantially expands the number and definition of victims, their relatives and designated representatives who can attend parole hearings and provide unsworn testimony during which they cannot be interrupted or questioned by prisoners or their attorneys.
8. Allows victim-related attendees to make statements on the record regarding matters completely unrelated to the prisoner's current risk to public safety.
9. Specifically excludes anyone who is currently incarcerated from the definition of victims or their representatives who may now attend parole hearings.
10. Requires that copies of the unchallengeable victim/representative statements be considered at all future parole hearings.
11. Eliminates prisoners' access to rehabilitation programs that are not specifically required by the United States Constitution or by the laws of the State of California – indeed, the very programs in which prisoners participate in order to rehabilitate themselves.
12. Prohibits any expedited release programs to relieve the unconstitutionally overcrowded conditions in California's prisons.
13. Requires all of the above-mentioned changes to apply to prisoners sentenced both before and after Proposition 9 passed.

**A complete copy of Proposition 9 and the changes in Penal Code sections 3041.5 and 3043 can be obtained from [www.theuncommonlaw.com](http://www.theuncommonlaw.com))**