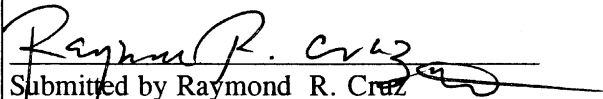


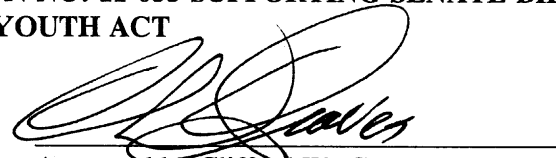


City of Carson Report to Mayor and City Council

April 19, 2011
New Business Consent

SUBJECT: CONSIDER APPROVING RESOLUTION NO. 11-055 SUPPORTING SENATE BILL 9 (YEE) THE FAIR SENTENCING FOR YOUTH ACT


Submitted by Raymond R. Cruz
Public Services General Manager


Approved by Clifford W. Graves
Interim City Manager

I. SUMMARY

This item is on the agenda at the request of Councilmember Santarina.

Current law states that when an underage offender is convicted and sentenced to life without parole, that sentence stands with no chance for reconsideration or opportunities for rehabilitation. Senate Bill 9 (Yee), the Fair Sentencing for Youth Act, recognizes that youth have the capacity to change for the better if given the rehabilitation tools to do so. This act would provide an opportunity for review and resentencing after many years of incarceration and their meeting criteria proving rehabilitation. The City Council is asked to consider supporting this proposed legislation.

II. RECOMMENDATION

TAKE the following actions:

1. WAIVE further reading and ADOPT Resolution No. 11-055, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, SUPPORTING SENATE BILL 9 (YEE) THE FAIR SENTENCING FOR YOUTH ACT."
2. DIRECT staff to transmit the resolution to State Senator Leland Yee, State Senator Darrell Steinberg, State Senator Juan Vargas, Assemblymember Felipe Fuentes, Assemblymember Bonnie Lowenthal, Assemblymember Diane Harkey, Assemblymember Warren Furutani, Assemblymember Ted Lieu and the Dr. Martin Luther King, Jr. Democratic Club.

III. ALTERNATIVES

TAKE another action the City Council deems appropriate.

IV. BACKGROUND

Nationally, the majority of juveniles sentenced to life without parole are first-time offenders. In California, it is estimated that 45 percent of youth offenders serving life without the possibility of parole were convicted of murder, though they did not commit the murder themselves. This is possible under California

//

law which holds youth responsible for a murder that happens while they were part of a felony, even if they did not plan or expect the murder to occur. These youth often act under the influence of, or in conjunction with, an adult. In most cases, the adult receives a lower sentence than the juvenile. Once sentenced to life without parole, the juvenile defendant is left to spend the rest of his life in prison, with no opportunities for rehabilitation.

Given the severity of the punishment given to juvenile offenders and recognizing that youth are still maturing and have the capacity to change for the better, The Fair Sentencing for Youth Act was developed. This act provides youth offenders the rehabilitative tools they would not normally receive. After serving between 10 and 25 years in prison, a prisoner could petition a court to review his case. Should he fulfill pre-determined criteria and undergo a three-part review process wherein he proves that he has matured and proven himself changed, he could possibly have his sentence reduced.

Not all youth would get a new sentencing hearing, and those that do, do not have a guarantee that his sentence will be lowered. Even if resentenced, offenders still must face a parole board and must prove they merit parole. There is no guarantee of parole; only the opportunity to earn it.

V. FISCAL IMPACT

None.

VI. EXHIBITS

- 1. Resolution No. 11-055. (pgs. 3-4)

Prepared by: Luchie S. Magante, Senior Administrative Analyst

TO:Rev032811

Reviewed by:

City Clerk	<u>City Treasurer</u>
<u>Administrative Services</u>	<u>Development Services</u>
<u>Economic Development Services</u>	<u>Public Services</u>

Action taken by City Council

Date _____ Action _____

RESOLUTION NO. 11-055

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA,
SUPPORTING SENATE BILL 9 (YEE) THE FAIR SENTENCING FOR YOUTH ACT

WHEREAS, nationally, the majority of juveniles sentenced to life without parole are first-time offenders; and

WHEREAS, in California, it is estimated that 45 percent of youth offenders serving life without the possibility of parole were convicted of murder, though they did not commit the murder themselves. This is possible under California law which holds youth responsible for a murder that happens while they were part of a felony, even if they did not plan or expect the murder to occur; and

WHEREAS, current law states that when an underage offender is convicted and sentenced to life without parole, that sentence stands with no chance for reconsideration or opportunities for rehabilitation; and

WHEREAS, given the severity of the punishment given to juvenile offenders and recognizing that youth are still maturing and have the capacity to change for the better, The Fair Sentencing for Youth Act was developed. This act provides youth offenders the rehabilitative tools they would not normally receive. After serving between 10 and 25 years in prison, a prisoner could petition a court to review his case. Should he fulfill pre-determined criteria and undergo a three-part review process wherein he proves that he has matured and proven himself changed, he could possibly have his sentence reduced; and

WHEREAS, not all youth would get a new sentencing hearing, and those that do, do not have a guarantee that his sentence will be lowered. Even if resentenced, offenders still must face a parole board and must prove they merit parole. There is no guarantee of parole; only the opportunity to earn it.

NOW, THEREFORE, BE IT RESOLVED, that the city of Carson, California, approves supporting Senate Bill 9 (Yee) The Fair Sentencing for Youth Act.

PASSED, APPROVED and ADOPTED this 19th day of April, 2011.

Mayor Jim Dear

EXHIBIT NO. 01

3

ATTEST:

City Clerk Helen Kawagoe

APPROVED AS TO FORM:

City Attorney