



PROPOSITION FACT SHEET

Current Law	Proposition 47	Implications
Possession of predatory drugs, commonly referred to as “date-rape” drugs can be charged as a felony	Minimizes the scope of these types of crimes by reducing the penalty for possession of Rohypnol, Ketamine, GHB (date-rape drug) and any other drug designed to render a victim helpless to a simple misdemeanor.	The lack of attention to this specific issue is particularly disturbing when measured against the unhappy reality of the increasing use of these drugs by sexual predator’s intent on engaging in serious criminal conduct.
The theft of any firearm is defined as a felony pursuant Penal Code §§ 487(d)(2) and 489.	Proposed Penal Code § 490.2 would require that any theft, including that of a firearm, valued at less than \$950, shall be punished as a misdemeanor, unless the offender has a conviction for one of a very narrow list of prior violent felonies or is a sex offender.	An individual arrested for stealing a firearm valued under \$950, regardless of it is his or her fifth or fiftieth time being arrested for this act, would be charged with a misdemeanor.
Under Health and Safety Code §11350 possession of methamphetamine, heroin, and cocaine is a felony.	Possession would be a misdemeanor. The initiative limits felony consequences to only those who have a prior particular kind of violent felony or sex offense.	No incentive for rehabilitation. If enacted, this initiative will sound the death knell for Drug Courts, as there is no incentive to do an 18 month to 2 year intensive treatment program when the maximum consequences for a drug conviction is a six month misdemeanor term in county jail.
Under Penal Code §476(a) and 476(b) fraud is a wobbler, depending on the total fiscal value of the offense and prior offenses.	Limits forgery to a misdemeanor, regardless of the number of prior theft convictions, if the amount of loss remains lower than \$950	Has the potential to directly effect large and small business owners, farms, banks and the community by decriminalizing forgery charges.
Under the Three Strikes Reform Act of 2012 (Proposition 36), Penal Code § 1170.126 provides for resentencing petitioners previously sentenced to life terms pursuant to the Three Strikes Law (Penal Code §§ 667(b)-(i) and 1170.12) whose committing of-fense was non-violent and non-serious.	The proposed language in Penal Code § 1170.18(c) would require the prosecution to prove, and the court to find, that the defendant is an unreasonable risk to society because he or she would likely commit a sexually violent offense, murder, certain sex crimes with children under 14, solicitation to commit murder, assault with a machine gun on a peace officer, possession of weapons of mass destruction or a crime punishable by death or life imprisonment.	Many potentially violent individuals will be released– not because they do not pose a violent risk to society, but because the Act has unreasonably limited the scope of what is considered a risk of danger to society and what the prosecution can present to counter the defendant’s eligibility.

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