

Klaas

MARC --

Thank you for offering to help us with tomorrow's crucial vote on the House rule to take up the crime bill. Here is a list of a few members whose votes are in doubt.

As I mentioned to you on the phone, what members need to hear is that this is a tough crime bill that will make a real difference in getting career criminals off the street, and that if we don't pass this bill which gives the states \$10 billion for prisons and makes 3-strikes-and-you're-out the law of the land, these thugs will continue to go free.

If a member hears from you that you're willing to help them defend their vote back home, that you would be happy to call their local paper to emphasize what a tough bill this is, and so on, that might make it easier for them to stand up to the interests who oppose this bill.

The bill has been endorsed by the National Assn. of District Attorneys, the National Assn. of Attorneys General, Republican and Democratic mayors and governors, and every major law enforcement organization.

The key vote is the vote on the rule. We expect that vote to take place sometime late tomorrow.

Let me know how it goes. Thanks!

MARC
KLAAS

"Talk to Polly"
POLLY KLAAS FOUNDATION

P. O. Box 800
PETALUMA, CA 94953
TEL: 1-800-587-4357 / FAX: 1-707-766-9523

FAX COVER SHEET

TO: Bruce Reed

DATE: 8-3-94

TOTAL # OF PAGES 3 (INCLUDING COVER SHEET)

DOCUMENTS TRANSMITTED/MESSAGES:

Please call if you did not receive all pages. Thank you.

Filed
Klaas, Marc

To: Bruce Reed
From: Marc Klaas

August 3, 1994

Bruce, here is a breakdown of my inquiries. I will keep you informed. Attached is copy of my fax to the Members.

DeFazio- Out of town for two days, mother is sick in Boston. Probably won't vote.

Chapman- I spoke with LA Pat, doesn't like assault weapon ban. Won't commit. Has fax.

Cooper Maureen Blissett, left message, (8-3) left message. Has fax.

Danner-Chris Bohanon will call back, (8-3) will call back. Has fax.

•Green-Robert Scott, left message, (8-3) left message, (8-3) **supportive.**

Laughlin-Had surgery, won't be able to vote. Has fax.

•Kanjorsky-Not a problem, **supportive.**

Skelton-Spoke with LA Laura not seen conf. report, concerned. Has fax.

Tanner-left message, (8-3) Spoke to Chris Cox, has problems with assault weapons, **may be leaning towards passage.** Has fax.

Thurman-Bob Dobik, left message, (8-3) has fax, left message.

Murtha Ray Landis, left message, (8-3) concerned about assault weapons ban. Has fax.

Obey-Christina Langlear, left message, (8-3) left message.

•Hamburg-**supportive.**

•Condit-Spoke with LA Joel Pérez, **supportive.**

The
Polly
Klaas
Foundation



August 3, 1994

Mr. Peter DeFazio
Member of Congress
Washington, D.C. 20515

Dear Congressman DeFazio:

I am writing to you regarding the Crime Bill. I am with the Polly Klaas Foundation, which I founded in the aftermath of my daughter Polly's kidnapping on Oct. 1, and the recovery of her body on Dec. 4, 1994. I have worked diligently on the Crime Bill, particularly the Truth in Sentencing Amendment. I am very proud that the bill emerged from the conference committee in a strong and healthy form. The American people have been waiting for years for this Crime Bill.

The assault weapons ban has the potential to scuttle the entire crime package. The National Rifle Association seems to be using scare tactics to influence our well meaning lawmakers into making unpopular and ill-advised decisions. People have a right to possess and bear arms, but I hardly think that a ban on a small number of assault weapons really jeopardizes that right. We must stand together and demand reasonable solutions to the crime epidemic that pervades our society. Certainly the Crime Bill is a well meaning attempt to do just this.

Outside pressures put unreasonable restraints on our legislators, and that is the purpose of my correspondence. I have a national image as a tough but reasonable proponent of strong crime measures. It would be my pleasure to assist you in finding a clear path to full support of the crime package. The fact that you support a bill that bans a small number of assault weapons by no means makes you soft on crime. It establishes you as a reasonable person seeking reasonable solutions to an epidemic that pervades our society. If it would help your situation any I would be happy to write to your local newspaper, or give an interview on your local TV station in support of that position.

Thank you for your time and consideration. If there is anything at all that I can do to help you please feel free to call on me.

Sincerely,

Marc Klaas

Marc Klaas

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Marc Klaas - Phone: (707) 769-1944 - Fax: (707) 766-9523

The
Polly
Klaas
Foundation



August 1, 1994

Mr. Bruce Reed
Domestic Policy
The White House
Washington, D.C. 20500

Dear Bruce:

This is a follow up letter to a conversation I hope to have with you later today. I trust things are going well for you. I am thunderstruck every time I pick up the newspaper or watch the news on TV and observe the myriad of barriers the administration must overcome on a daily basis. It makes my job look easy. I am working hard and making progress on several fronts. All of the hard work seems to be paying substantial dividends.

Congratulations on the Crime Bill. I know that it was like pulling teeth out of a hungry grizzly bear, but you deserve the victory, and this was a hard fought victory indeed. I have a major favor to ask of you. I would very much like to attend the signing of the Crime Bill. I know that it's coming up soon, and you are probably being deluged by hundreds of people with similar requests, but I have definite reasons for my request. I worked very hard on the Truth in Sentencing portion of the bill and am very proud that the legislature settled on a good working compromise. I also feel that it would again focus attention on the very important issue of crimes against children, which is so very meaningful. So, if you can find a way, I would appreciate it.

Sometime early next year, probably during the President's day weekend, we are planning to hold a national crime conference on crimes against children. The goal of the conference will of course be to make **America Safe For Children** and to focus national attention on this very important issue. I think that we will have no more than four or five primary objectives. We would like to focus on the success of our response efforts in stranger abduction cases. There is also the need to bring law enforcement into the 90's through the use of computer technology, and the necessity for integrated criminal and sexual databases in every state. We will also address the problems of inner-city youth and gang affiliation. I am not asking for an administration commitment on this project, although that would be nice. Please, tell me what you think about the feasibility of this project and where you think we might go with it.

So, my friend, thank you for your time. I hope that you will continue to use the Polly Klaas Foundation as a resource. I am always at your disposal. Thank you again for your time and consideration.

Sincerely,

Marc Klaas

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"Talk to Polly"

Klaas, Marc

The Polly Klaas Foundation

P.O. Box 800 • Petaluma, California 94953 • 1-800-587-4357 • Fax: 1-707-769-1869

December 23, 1993

Mr. Bruce Reed
The White House
Washington, D.C. 20500

Dear Mr. Reed:

It was a pleasure meeting you this week. Please convey our sincere appreciation to President Clinton for his time and concern. We have outlined some of the issues we intend to address. We look forward to working with you to "make America safe for children."

Yours truly,



Marc Klaas

"Talk to Polly"

The Polly Klaas Foundation

P.O. Box 800 • Petaluma, California 94953 • 1-800-587-4357 • Fax: 1-707-769-1869

December 23, 1993

President William J. Clinton
The White House
Washington, D.C. 20500

Dear President Clinton:

Thank you for finding time in your busy schedule to meet with representatives of the Polly Klaas Foundation and myself on December 20th. We are heartened to know that you support our mission statement to "make America safe for children."

As a concerned father, we know that you will help us work toward our goal. We also hope that you will take a leadership role in redirecting America's priorities toward protecting and nurturing its most precious resource, our children.

We believe that citizens and their communities must find ways to work with government and law enforcement to prevent crimes against children. We must work together to break the cycle of violence that threatens our children, and respond more effectively when these crimes do occur. We encourage you to support cooperative efforts between government and law enforcement agencies, and volunteer organizations in areas such as education, communications and emergency response. We hope you will assist in exploring opportunities to make effective use of the unprecedented volunteer effort that characterized the search for Polly.

The Federal Crime Bill which passed both houses of Congress in November, contains important provisions which will help protect our children. The Morgan P. Hardiman Task Force on Missing and Exploited Children Act establishes a task force from federal law enforcement agencies with the experience and expertise to handle the most difficult cases of missing and exploited children. This task force could act as a model to help build the cooperation needed for an effective response to these crimes. The Jacob Wetterling Crimes Against Children Registration Act would require the registration of any person convicted of a state criminal offense against a minor. This would provide valuable assistance to law enforcement in protecting our children. We believe the Senate version of the Crime Bill deserves your vigorous support.

President Clinton
December 23, 1993
Page 2

To protect our children, we must keep habitual violent criminals off the streets. Society must decide on appropriate penalties for their crimes, however, we must allow criminal sentences to operate as effective deterrents. We are encouraged by your support for stricter sentences. We hope you will investigate needed legislation like "truth in sentencing" which would ensure that penalties established for crimes against children will be served, and California's "three strikes and you're out" initiative which would keep convicted felons like Richard Allen Davis off our streets.

Mr. President, we know you agree with the need to place a higher priority on the children of America, who are our future. We hope you will raise the Nation's awareness on these issues. We invite you to visit the Polly Klaas Center in Petaluma, California and meet with the many volunteers who are dedicated to achieving our mission. We also encourage you to consider holding a "national town meeting" here in Petaluma on child safety and crimes against children.

Thank you, again, for your time and consideration.

Sincerely,

A handwritten signature in cursive script that reads "Marc Klaas". The signature is written in dark ink and is positioned to the left of the typed name.

Marc Klaas

cc: Board of Directors, Polly Klaas Foundation

File:
Klaas, Marc

February 28, 1994

MEETING WITH MARC KLAAS

DATE: Tuesday, March 1
LOCATION: Your office
TIME: TBD
FROM: Bruce Reed

I. PURPOSE

To underscore the Administration's commitment to three-strikes-and-you're-out legislation by meeting Polly Klaas's father, Marc, who is the country's leading proponent of the three-strikes-and-out idea.

II. BACKGROUND

Marc Klaas is flying in from California to testify Tuesday morning at a Schumer subcommittee hearing on three-strikes-and-out. At the same hearing, the Justice Department will unveil the long-awaited details of the Administration's three-strikes-and-out proposal. Klaas has said that he likes and will support the Administration's approach, which targets serious violent repeat offenders, but excludes barroom brawls and non-violent drug crimes.

Klaas met with the President in the Oval Office in December. He told the President the story of how his daughter Polly was abducted from a slumber party at a friend's house, and later found dead after a lengthy search. The kidnapper, Richard Allen Davis, was a repeat offender who had been paroled 8 years into a 16-year sentence.

Klaas has led the fight in California for three-strikes legislation, which would have kept his daughter's kidnapper behind bars. On Tuesday, he is announcing a new three-strikes proposal for California which (like ours) is targeted to serious violent felonies, but which allows only two strikes for crimes against children under 14.

Klaas's support for the Administration's anti-crime efforts is invaluable to us, not just in the coming weeks as we push to pass the crime bill, but over the long haul as we seek to prove that Democrats are not soft on crime. He wrote the President a moving letter about how much he liked the State of the Union Address, and has offered to help in any way he can. We asked him to come meet with you to underscore that he supports our version of three-strikes -- so long as he's for it, we can't be criticized for being soft.

III. WHAT TO TALK ABOUT

Thank Klaas for all that he is doing to fight crime and protect children. Tell him how moved we were by his letter (attached). Thank him for his help in passing the crime bill, and ask him what we can do to help him in California.

"Talk to Polly"
Polly Klaas Foundation

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February 1, 1994

President William J. Clinton
The White House
Washington, D.C. 20500

Dear President Clinton:

Let me first express my deep sorrow over the loss of your mother. She seemed like a lovely lady. It was obvious to all that you loved her very much and that your loss is profound. It is a testament to your strength and leadership that you were able to complete your successful European tour and give such an eloquent and inspiring State of the Union speech.

This is the first time in recent memory that a State of the Union message has addressed the needs and desires of the common citizen. There were no references to tax credits to major corporations, no promises of tax cuts to the rich and no proposals to spend huge amounts of money on esoteric science projects. It is refreshing to realize that at last there is a President that is an advocate of real people with real problems, hopes and fears.

I was encouraged by your reference to the electronic highway. I hope that you plan to extend it into the crime arena and apply this amazing technology to the National Crime Information Center. Once this very important database is in place, fully operational and available only to law enforcement we will be one step closer to realizing the goals of H-R 324 the "Jacob Wetterling, Crimes Against Children Registration Act."

I am very pleased to inform you that the San Francisco office of the FBI is setting up a task force of four agents plus a supervisor to specialize in and concentrate on stranger abduction kidnapping. They have assured me that they are serious and dedicated to this project. The FBI is actively lobbying the support of Northern California law enforcement jurisdictions as their participation is necessary to the success of this program. They tell me that Polly is their catalyst. This effort is in the spirit of the "Morgan P. Hardiman Task force for Missing & Exploited Children" which is in the Senate version of the crime bill. I am not aware of any similar effort by law enforcement to dedicate resource to this serious and growing problem. I think the FBI should be commended for their effort.

Your support of "Three Strikes And You're Out Legislation" is important and meaningful. It will increase the steamroller of support the initiative has picked up in California and make it virtually unstoppable. I see California as the first big domino in three strikes legislation. We have been receiving proposed "Three Strikes" legislation from concerned citizens and legislators from all over America. It is important that the citizens have a law that spells out exactly what punishments and penalties are in store for those that chose a life of violent crime. I think that you chose the correct course by targeting violent criminals. The American people want protection not rhetoric.

President William J. Clinton
February 1, 1994
Page Two

It was gratifying to hear you raise some of the themes that we spoke about during our meeting in December, 1993. The emphasis that you put on children's issues are particularly encouraging. It is a basic philosophy of the Polly Klaas Foundation that government cannot fund or change these problems without the assistance of the private sector. It certainly costs no money to point out that too many children are born into unstable family situations or that deadbeat parents must take responsibility for their children. I agree that many of our societal problems are rooted in a loss of values that should be cherished. Certainly, America must change from within. The disappearance of work, and the breakdown of families and communities are issues we must all address. Thank you for using your great influence to re-focus and attempt to change our national priorities. The Polly Klaas Foundation is willing to assist you in any way possible to realize these very important goals.

I again encourage you to consider coming to Petaluma, California at some point in the future to lead a nationally televised "Town Meeting" on children's issues and crimes against children. It would give you an opportunity to visit California during a very important election year. It would allow you to ally yourself with the bipartisan success of California crime legislation. It would afford you a high profile opportunity to take a pro-active stance and underscore an important issue that impacts all citizens. It would also send an important message if you were to return to the location of Ronald Regan's "All American Community" and declare that it's not so perfect anymore.

After 123 days Polly was returned to us yesterday. It was a very emotional time that I spent with my beautiful little daughter. It wasn't supposed to end like this. I was supposed to hold her in my arms and tell her that I loved her. Instead, I was only able to rest my head on her coffin and ask her to guide me from heaven.

If there is any assistance that I may offer you in getting your crime bill passed and implemented please do not hesitate to call on me. I am at your service. Thank you again for your time and consideration.

Sincerely,

Marc Klaas

cc: Board of Directors, Polly Klaas Foundation

THE WHITE HOUSE
WASHINGTON

Betty -

The President
might want to see
this note from Marg
Klaas.

Thanks.

5/2
Bruce
Can you
have someone
draft reply
for Peter
to see
what
Bruce
thinks
N/A

The
**Polly
Klaas**
Foundation

File: _____
Marc Klaas
(no reply necess.)



April 28, 1994

President William J. Clinton
The White House
Washington, D.C. 20500

Dear President Clinton:

Thank you so much for taking time out from your busy schedule to meet with Jim Wootten, Sandy Friedman and myself on April 22. I know how difficult it is for you to find time in your busy schedule to talk to anyone.

I am heartened to know that we seem to agree on many issues of the Crime Bill. We both want an effective **Three Strikes** provision that focuses on violent criminals. From what I was able to learn from Congressmen McCullum, Chapman, and Manus Cooney of Sen. Hatch's judiciary staff, Racial Justice and Assault Weapons may cancel each other out. That leaves police and sentencing. We definitely need more police on the streets. The more the better as far as I am concerned.

It would be a most fitting tribute if the reforms that are passed in Polly's memory actually would have saved her life had they been in place. The **Chapman Truth-In-Sentencing Amendment**, which the House of Representatives passed by a vote of 377-50, is just such a piece of legislation. I gave Congressman Chapman permission to invoke Polly's memory as he attempted to gain support for his amendment. Currently violent criminals serve only 37% of their sentences. Murderers serve an average of 5.5 years, rapists 3.0 and robbers 2.25. Sixty percent of violent criminals are re-arrested within 3 years of their release. **The Chapman Amendment** should be a part of any crime bill that is passed in 1994, particularly in Polly's name. If Richard Allen Davis had served at least 85% of his 16 year sentence he would still be in prison, and my daughter would still be alive.

I use Polly's case as a benchmark for legislation that I support. By this I mean that if it could have helped Polly, it will also help other children. I feel very strongly that real truth in sentencing may have made a difference in her case. Perhaps it is the only thing that would have made a difference. I just don't know, and I expect that I never will. What I do know is that Polly will not go to high school or college, have her own family or a career. Yet if history is any guide, many laws will be written in her name, and, most importantly, many children and adults will not be victims of violent crime because of her untimely death.

Crime is the current hot topic and the political issue of 1994. There may even be a made for TV movie telling Polly's story and rekindling the nation's affection and sense of outrage at her needless death. But the memories fade, and Washington moves on, back into the comfort of denial until another Polly is killed. 1994 is the time to demonstrate that we have learned the central lesson from Polly's death; violent criminals should serve the sentences they are given before being released.

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April 28, 1994
President William J. Clinton
Page Two

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If there is any assistance that I may offer you in getting your crime bill passed and implemented please do not hesitate to call on me. I am at your service. Thank you again for your time and consideration.

Sincerely,

Marc Klaas

The
**Polly
Klaas**
Foundation



May 9, 1994

Mr. Bruce Reed
Crime Aide
The White House
Washington, D.C. 20500

Dear Bruce:

It was great seeing you again. I thought our discussion on Truth and Sentencing went well. It is very important that the teeth of this part of the Crime Bill are not pulled out. That is the money to the states must be strong enough for them to attempt to comply with 85% of time served.

It was a lovely experience meeting your wife and beautiful baby. I loved the hat. Your in-laws are marvelous people also. What a lovely family you have.

Bruce, I was very impressed with my meeting with President Clinton. I found him extremely knowledgeable and friendly. Thank you so much.

Would you please pass on the attached correspondence to President Clinton. Thank you.

If there is anything I can help you with, just let me know.

Sincerely,

Sanford C. Friedman
Legislative Director
Polly Klaas Foundation
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The
**Polly
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Foundation



May 9, 1994

President William J. Clinton
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20550

Dear Mr. President:

I wish to thank you very much for inviting me to be present at the taping of your radio broadcast, and for taking time out of your busy schedule to meet with us in the Oval Office. As Legislative Director of the Polly Klaas Foundation, your invitation held special meaning for me in that on the previous day, the House of Representatives passed their version of the crime bill.

I'm certain that even you (as this seasoned political war horse is) are still surprised by the utter paralysis of legislative reform borne out of partisan politics in Washington, D.C. In California, it was a bi-partisan, full-court press effort that ultimately pushed AB 1568, the Rainey/Polly Bill, triumphantly through the legislature. Although this was a narrowly-focused three strikes you're out bill aimed at violent and serious repeat child molestation offenders, the message that our streets will be safe for our families was clearly stated by our legislators. It seems that for the most part, non-partisan efforts in Washington, D.C., are missing. Let's hope that for the sake of our children, non-partisan politics will prevail in Washington this time.

My wife, Cheryle, and I, are very supportive of you and appreciate your approach to solving the problems of our country, and in that spirit, if I can be of assistance in any way, e.g., California State Legislature, politically, campaigning (I was Bobby Kennedy's San Mateo, California, Campaign Director), etc., please let me know.

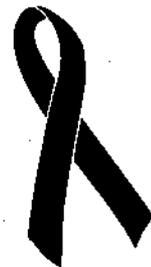
Sincerely

Sanford C. Friedman
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The
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April 28, 1994

Mr. Bruce Reed
Crime Aide
The White House
Washington, D.C. 20500

Dear Bruce:

It was great meeting with you on April 22. I am gratified that we were able to discuss the Crime Bill, especially the **Chapman Truth-In-Sentencing Amendment**. I always use Polly's case as a benchmark for legislation that I support. By this I mean that if it could have helped Polly, it will also help other children. I feel very strongly that real truth in sentencing may have made a difference in her case. Perhaps it is the only thing that would have made a difference. I just don't know, maybe I never will. What I do know is that Polly will not go to high school or college, have her own family or a career.

Your daughter and wife are beautiful and you should feel very lucky and proud to have them both. I had a very nice chat with your in-laws and they seem like very nice people. I feel that I was given a glimpse into the real world of Bruce Reed, crime fighter, and I appreciate the opportunity.

The opportunity to speak with President Clinton was unexpected but fruitful. I do admire him so. I would be most appreciative if you would pass the attached correspondence to the President at your convenience. The Polly Klaas Foundation is always at your disposal. Thank you again for your time and consideration.

Sincerely,

Marc Klaas

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FAX COVER SHEET

TO: Bruce Reed

DATE: _____

TOTAL # OF PAGES _____ (INCLUDING COVER SHEET)

DOCUMENTS TRANSMITTED/MESSAGES:

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Please call if you did not receive all pages. Thank you.

AMENDED IN SENATE FEBRUARY 23, 1994
AMENDED IN ASSEMBLY JANUARY 26, 1994
AMENDED IN ASSEMBLY JANUARY 19, 1994

CALIFORNIA LEGISLATURE—1993-94 REGULAR SESSION

ASSEMBLY BILL

No. 1568

Introduced by Assembly Member Rainey
(Principal coauthors: Assembly Members Burton, Johnson,
Klehs, and Richter)
(Principal coauthors: Senators Kopp and Peace, Peace,
and Roberti)
(Coauthors: Assembly Members Aguiar, Allen, Alpert,
Andal, Boland, Bowler, Connolly, Conroy, Ferguson,
Goldsmith, Harvey, Haynes, Horcher, Knight, Martinez,
Nolan, Quackenbush, Seastrand, Snyder, Statham, and
Weggeland)
(Coauthors: Senators Presley and Russell)

March 4, 1993

An act to amend Sections 667, 667.5, 1170.95, 1192.7, 1385,
2931, and 2933 of, to add Section 667.1 to, and to repeal Section
1192.8 of, the Penal Code, relating to sentencing, and
declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1568, as amended, Rainey. Sentencing.

(1) Existing law requires that enhancement of prison
terms for new offenses because of prior prison terms be
imposed, as specified, added by initiative statute, provides,
among other things, that any person who is convicted of a
serious felony, as defined, and who has been previously
convicted of a serious felony in California, or of any offense
committed in another jurisdiction which includes all of the

96 80

elements of a serious felony, shall receive, in addition to the sentence imposed for the present felony, a 5-year enhancement for each prior felony conviction on charges brought and tried separately.

This bill would provide, in addition, that (a) any person convicted of a serious felony, as defined, who has 2 or more prior separate convictions for any serious felony or violent felony, as defined, shall be punished by imprisonment in the state prison for life and shall not be eligible for release on parole for 25 years, (b) any person convicted of a violent felony who has 2 or more prior separate convictions for any violent or serious felony shall be punished by imprisonment in the state prison for life without the possibility of parole, and (c) any person convicted of a serious felony who has 2 or more prior separate convictions for any violent felony shall be punished by imprisonment in the state prison for life without the possibility of parole.

The bill also would require the Department of Corrections or county jail to develop an antirecidivism plan for each inmate under the age of 25 years who is imprisoned in the state prison or a county jail or who is on parole or probation because of a first-time felony conviction, as specified.

This bill would impose a state/mandated local program by requiring the county to develop an antirecidivism plan.

The bill also would provide that any person convicted of any specified sex offense committed against a person under 14 years of age who has been previously convicted of any of those offenses shall be punished by imprisonment in the state prison for life, shall not be eligible for release on parole for 25 years, and shall not be released on parole prior to serving at least 25 years in the state prison.

The bill would further provide that probation shall not be granted to, nor shall the execution or imposition of sentence be suspended for, any person who is punished under the above provision.

The bill would require the sentencing court, at the time of sentencing, and the Director of Corrections, or his or her designee, upon the admission of a defendant who has been convicted under the above provisions into the state prison, to inform the defendant of the penalties prescribed by those

provisions.

(2) Existing law provides that where one of the new offenses is a specified violent felony, in addition and consecutive to any other prison terms therefor, the court shall impose a 3-year term for each prior separate prison term served by the defendant where the prior was a specified violent felony.

This bill would, instead, require the court to impose a 10-year term for each prior separate prison term served.

(3) Existing law provides that no additional term shall be imposed under the provision in (2) above for any prison term served prior to a 10-year period in which the defendant remained free of both prison custody and the commission of an offense which results in a felony conviction.

This bill would delete that provision.

(4) Existing law specifies those offenses which are included within the definition of "violent felony."

This bill would delete and add various offenses to the list of offenses specified for purposes of defining "violent felony."

(5) Existing law specifies those offenses included within the definition of "serious felony" for purposes of the prohibition against plea bargaining.

This bill would add, among other offenses, assault upon a peace officer, firefighter, or custodial officer *and felony domestic violence, as defined, when the traumatic condition is of a serious nature* to the list of offenses specified for purposes of defining "serious felony."

(6) Existing law provides that a judge or magistrate may, as specified, order an action dismissed.

Existing law also provides that the above provision does not authorize a judge to strike any prior conviction of a serious felony for purposes of sentence enhancement.

This bill would, in addition, provide that the above provision does not authorize a judge to strike any prior conviction of a violent felony for purposes of sentence enhancement.

(7) Existing law authorizes the Department of Corrections to reduce by $\frac{1}{3}$ for good behavior and participation, as specified, the prison term of any person sentenced to a determinate term of imprisonment.

This bill would, in addition, provide that notwithstanding the above provisions or other specified provisions of law authorizing a reduction in prison term for conduct credit, any person who is sentenced to serve a prison term for 1st or 2nd degree murder shall not receive the reduction in total imprisonment from the total term of imprisonment imposed by the sentencing court for those offenses or for any other offense or sentence enhancement.

(8) Existing law provides, among other things, that any person sentenced to the state prison for 1st degree murder shall be eligible only for credit under the provisions in (7) above.

This bill would, instead, provide that any person sentenced to the state prison for 1st or 2nd degree murder shall not be eligible for credit.

The bill also would provide that any person who is sentenced to the state prison for at least one violent felony, as defined, shall not receive the reduction in total imprisonment under the provisions in (7) above or other specified provisions of law authorizing a reduction in prison term for conduct credit.

(9) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$1,000,000, shall be made from the State Mandates Claims Fund. The bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{3}{4}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes no.

1 ~~students, in accordance with Section 5060.~~

2 *SECTION 1. Section 667 of the Penal Code is*
3 *amended to read:*

4 667. (a) (1) In compliance with subdivision (b) of
5 Section 1385, and except as provided in subdivisions (b)
6 and (c), any person convicted of a serious felony who
7 previously has been convicted of a serious felony in this
8 state or of any offense committed in another jurisdiction
9 which includes all of the elements of any serious felony,
10 shall receive, in addition to the sentence imposed by the
11 court for the present offense, a five-year enhancement
12 for each such prior conviction on charges brought and
13 tried separately. The terms of the present offense and
14 each enhancement shall run consecutively.

15 ~~(b)~~

16 (2) This ~~section subdivision~~ shall not be applied when
17 the punishment imposed under other provisions of law
18 would result in a longer term of imprisonment. There is
19 no requirement of prior incarceration or commitment for
20 this section to apply.

21 ~~(c)~~

22 (3) The Legislature may increase the length of the
23 enhancement of sentence provided in this ~~section~~
24 ~~subdivision~~ by a statute passed by majority vote of each
25 house thereof.

26 ~~(d)~~

27 (4) As used in this ~~section subdivision~~, "serious
28 felony" means a serious felony listed in subdivision (c) of
29 Section 1192.7.

30 ~~(e) Subdivision (a)~~

31 (5) This section shall not apply to a person convicted
32 of selling, furnishing, administering, or giving, or offering
33 to sell, furnish, administer, or give to a minor any
34 methamphetamine-related drug or any precursors of
35 methamphetamine unless the prior conviction was for a
36 serious felony described in subparagraph (24) of
37 subdivision (c) of Section 1192.7.

38 ~~(f)~~

39 (b) (1) Except as provided in paragraph (3), any
40 person who is convicted of a serious felony and who has

1 two or more prior separate convictions for any violent or
2 serious felony shall be punished by imprisonment in the
3 state prison for life and shall not be eligible for release on
4 parole for 25 years. In no case shall a person who is
5 punished under this paragraph be released on parole
6 prior to serving at least 25 years in the state prison.

7 (2) Any person who is convicted of a violent felony
8 and who has two or more prior separate convictions for
9 any violent or serious felony shall be punished by
10 imprisonment in the state prison for life without the
11 possibility of parole.

12 (3) Any person who is convicted of a serious felony
13 and who has two or more prior separate convictions for
14 any violent felony shall be punished by imprisonment in
15 the state prison for life without the possibility of parole.

16 (4) As used in this subdivision, "serious felony" means
17 any felony specified in subdivision (c) of Section 1192.7,
18 except for any felony specified in paragraphs (18) and
19 (26) of subdivision (c) of Section 1192.7, and includes any
20 offense that is committed in another jurisdiction which
21 includes all of the elements of any "serious felony."

22 (5) As used in this subdivision, "violent felony" means
23 any violent felony specified in subdivision (c) of Section
24 667.5, and includes any offense that is committed in
25 another jurisdiction which includes all of the elements of
26 any "violent felony."

27 (6) As used in this subdivision, convictions for two
28 offenses are "separate convictions" when the date of
29 conviction for one offense occurs before the date of
30 commission of the other. Nothing in this paragraph is
31 intended to change the meaning of "brought and tried
32 separately" as used in paragraph (1) of subdivision (a).

33 (7) Probation shall not be granted to, nor shall the
34 execution or imposition of sentence be suspended for,
35 any person who is punished under this subdivision.

36 (c) (1) Any person who is convicted of any offense
37 specified in paragraph (2) and who has been previously
38 convicted of any of those offenses shall be punished by
39 imprisonment in the state prison for life and shall not be
40 eligible for release on parole for 25 years. In no case shall

1 any person who is punished under this paragraph be
2 released on parole prior to serving at least 25 years in the
3 state prison.

4 (2) This subdivision shall apply to any of the following
5 offenses if committed against a person who is under 14
6 years of age, or any offense committed in another
7 jurisdiction which includes all of the elements of any of
8 the following offenses if committed against a person who
9 is under 14 years of age:

10 (A) A violation of paragraph (2) of subdivision (a) of
11 Section 261.

12 (B) A violation of Section 264.1.

13 (C) A violation of subdivision (b) of Section 288.

14 (D) A violation of subdivision (a) of Section 289.

15 (E) Sodomy or oral copulation in violation of Section
16 286 or 288a by force, violence, duress, menace, or fear of
17 immediate and unlawful bodily injury on the victim or
18 another person.

19 (F) Kidnapping in violation of subdivision (b) of
20 Section 207 or subdivision (d) of Section 208.

21 (3) Probation shall not be granted to, nor shall the
22 execution or imposition of sentence be suspended for,
23 any person who is punished under this subdivision.

24 (d) (1) At the time of sentencing, the sentencing
25 court shall inform a defendant who is convicted under
26 this section of the penalties prescribed herein.

27 (2) Upon the admission of a defendant who has been
28 convicted under this section into the state prison, the
29 Director of Corrections, or his or her designee, shall
30 inform the defendant of the penalties prescribed herein.

31 (e) The provisions of this section shall not be
32 amended by the Legislature except by statute passed in
33 each house by rollcall vote entered in the journal,
34 two-thirds of the membership concurring, or by a statute
35 that becomes effective only when approved by the
36 electors.

37 SEC. 2. Section 667.5 of the Penal Code is amended to
38 read:

39 667.5. Enhancement of prison terms for new offenses
40 because of prior prison terms shall be imposed as follows:

1 (a) Where one of the new offenses is one of the violent
2 felonies specified in subdivision (c), in addition and
3 consecutive to any other prison terms therefor, the court
4 shall impose a 10-year term for each prior separate prison
5 term served by the defendant where the prior was one
6 of the violent felonies specified in subdivision (c).

7 (b) Except where subdivision (a) applies, where the
8 new offense is any felony for which a prison sentence is
9 imposed, in addition and consecutive to any other prison
10 terms therefor, the court shall impose a one-year term for
11 each prior separate prison term served for any felony;
12 provided that no additional term shall be imposed under
13 this subdivision for any prison term served prior to a
14 period of five years in which the defendant remained
15 free of both prison custody and the commission of an
16 offense which results in a felony conviction.

17 (c) For the purpose of this section, "violent felony"
18 shall mean any of the following:

19 (1) Murder or voluntary manslaughter.

20 (2) Mayhem.

21 (3) Rape as defined in paragraph (2) of subdivision (a)
22 of Section 261.

23 (4) Sodomy by force, violence, duress, menace, or fear
24 of immediate and unlawful bodily injury on the victim or
25 another person.

26 (5) Oral copulation by force, violence, duress, menace,
27 or fear of immediate and unlawful bodily injury on the
28 victim or another person.

29 (6) Lewd acts on a child under the age of 14 years as
30 defined in Section 288.

31 (7) Any felony punishable by death or imprisonment
32 in the state prison for life.

33 (8) Any felony in which the defendant inflicts great
34 bodily injury on any person other than an accomplice
35 which has been charged and proved as provided for in
36 Section 12022.7 or 12022.9 on or after July 1, 1977, or as
37 specified prior to July 1, 1977, in Sections 213, 264, and 461,
38 or any felony in which the defendant uses a firearm
39 which use has been charged and proved as provided in
40 Section 12022.5 or 12022.55.

- 1 (9) Robbery of the first degree, as defined in
2 subdivision (a) of Section 212.5.
- 3 (10) Arson in violation of subdivision (a) ; or (b) ; or
4 ~~(e)~~ of Section 451.
- 5 (11) The offense defined in subdivision (a) of Section
6 289 or Section 289.5 where the act is accomplished against
7 the victim's will by force, violence, duress, menace, or
8 fear of immediate and unlawful bodily injury on the
9 victim or another person.
- 10 (12) Attempted murder.
- 11 (13) A violation of Section 12308, 12309, or 12310.
- 12 (14) Kidnapping.
- 13 (15) Carjacking, as defined in subdivision (a) of
14 Section 215.
- 15 (16) Continuous sexual abuse of a child in violation of
16 Section 288.5.
- 17 (17) Any felony in which it is charged and proved that
18 the defendant personally used a dangerous or deadly
19 weapon, as provided in subdivision (b) of Section 12022.
- 20 (18) A violation of Section 220.
- 21 (19) Assault upon a peace officer or firefighter in
22 violation of subdivision (c) or (d) of Section 245.
- 23 (20) Assault upon a custodial officer in violation of
24 Section 245.3.
- 25 (21) Bank robbery, as defined in subdivision (d) of
26 Section 1192.7.
- 27 (22) Robbery of the second degree, as defined in
28 subdivision (b) of Section 212.5, where it has been
29 charged and proved that the defendant was armed with
30 a firearm, as provided in subdivision (a) of Section 12022,
31 or the victim suffered serious bodily injury, as defined in
32 paragraph (5) of subdivision (f) of Section 243.
- 33 The Legislature finds and declares that these specified
34 crimes merit special consideration when imposing a
35 sentence to display society's condemnation for these
36 extraordinary crimes of violence against the person.
- 37 (d) For the purposes of this section, the defendant
38 shall be deemed to remain in prison custody for an
39 offense until the official discharge from custody or until
40 release on parole whichever first occurs including any

1 time during which the defendant remains subject to
2 reimprisonment for escape from custody or is
3 reimprisoned on revocation of parole. The additional
4 penalties provided for prior prison terms shall not be
5 imposed unless they are charged and admitted or found
6 true in the action for the new offense.

7 (e) The additional penalties provided for prior prison
8 terms shall not be imposed for any felony for which the
9 defendant did not serve a prior separate term in state
10 prison.

11 (f) A prior conviction of a felony shall include a
12 conviction in another jurisdiction for an offense which, if
13 committed in California, is punishable by imprisonment
14 in the state prison if the defendant served one year or
15 more in prison for the offense in the other jurisdiction. A
16 prior conviction of a particular felony shall include a
17 conviction in another jurisdiction for an offense which
18 includes all of the elements of the particular felony as
19 defined under California law if the defendant served one
20 year or more in prison for the offense in the other
21 jurisdiction.

22 (g) A prior separate prison term for the purposes of
23 this section shall mean a continuous completed period of
24 prison incarceration imposed for the particular offense
25 alone or in combination with concurrent or consecutive
26 sentences for other crimes, including any
27 reimprisonment on revocation of parole which is not
28 accompanied by a new commitment to prison, and
29 including any reimprisonment after an escape from
30 incarceration.

31 (h) Serving a prison term includes any confinement
32 time in any state prison or federal penal institution as
33 punishment for commission of an offense, including
34 confinement in a hospital or other institution or facility
35 credited as service of prison time in the jurisdiction of the
36 confinement.

37 (i) For the purposes of this section, a commitment to
38 the State Department of Mental Health as a mentally
39 disordered sex offender following a conviction of a felony,
40 which commitment exceeds one year in duration, shall be

1 deemed a prior prison term.

2 (j) For the purposes of this section, when a person
3 subject to the custody, control, and discipline of the
4 Director of Corrections is incarcerated at a facility
5 operated by the Department of the Youth Authority, that
6 incarceration shall be deemed to be a term served in the
7 state prison.

8 (k) Notwithstanding subdivisions (d) and (g) or any
9 other law, where one of the new offenses is committed
10 while the defendant is temporarily removed from prison
11 pursuant to Section 2690, transferred to a community
12 facility pursuant to Section 3416, 6253, or 6263, or on
13 furlough pursuant to Section 6254, the defendant shall be
14 subject to the full enhancements provided by this section.

15 This subdivision shall not apply when a full, separate,
16 and consecutive term is imposed pursuant to any other
17 law.

18 SEC. 3. Section 1170.95 of the Penal Code is amended
19 to read:

20 1170.95. (a) Notwithstanding Section 1170.1 relating
21 to the maximum total of subordinate terms for
22 consecutive offenses which are not "violent felonies," the
23 total of the subordinate terms for consecutive offenses
24 which are all residential burglaries may exceed five years
25 but shall not exceed 10 years.

26 (b) Notwithstanding Section 1170.1, the term of
27 imprisonment may exceed twice the number of years
28 imposed by the trial court as the base term pursuant to
29 subdivision (b) of Section 1170 if the defendant stands
30 convicted of at least two residential burglaries.

31 (c) As used in this section, "residential burglary"
32 means burglary of an inhabited dwelling house, an
33 inhabited floating home as defined in subdivision (d) of
34 Section 18075.55 of the Health and Safety Code, an
35 inhabited trailer coach as defined in Section 635 of the
36 Vehicle Code, or the inhabited portion of any other
37 building.

38 (d) As used in this section, "residential arson" means
39 arson committed in violation of subdivision (b) of Section
40 451 where it is charged and proved that the defendant

1 intentionally set fire to or burned or caused the burning
2 of a distinct inhabited structure or a distinct inhabited
3 property in the commission of that offense.

4 SEC. 4. Section 1192.7 of the Penal Code is amended
5 to read:

6 1192.7. (a) Plea bargaining in any case in which the
7 indictment or information charges any serious felony, any
8 felony in which it is alleged that a firearm was personally
9 used by the defendant, or any offense of driving while
10 under the influence of alcohol, drugs, narcotics, or any
11 other intoxicating substance, or any combination thereof,
12 is prohibited, unless there is insufficient evidence to
13 prove the people's case, or testimony of a material
14 witness cannot be obtained, or a reduction or dismissal
15 would not result in a substantial change in sentence.

16 (b) As used in this section "plea bargaining" means
17 any bargaining, negotiation, or discussion between a
18 criminal defendant, or his or her counsel, and a
19 prosecuting attorney or judge, whereby the defendant
20 agrees to plead guilty or nolo contendere, in exchange for
21 any promises, commitments, concessions, assurances, or
22 consideration by the prosecuting attorney or judge
23 relating to any charge against the defendant or to the
24 sentencing of the defendant.

25 (c) As used in this section, "serious felony" means any
26 of the following:

27 (1) Murder or voluntary manslaughter; (2) mayhem;
28 (3) rape; (4) sodomy by force, violence, duress, menace,
29 threat of great bodily injury, or fear of immediate and
30 unlawful bodily injury on the victim or another person;
31 (5) oral copulation by force, violence, duress, menace,
32 threat of great bodily injury, or fear of immediate and
33 unlawful bodily injury on the victim or another person;
34 (6) lewd or lascivious act on a child under the age of 14
35 years; (7) any felony punishable by death or
36 imprisonment in the state prison for life; (8) any other
37 felony in which the defendant personally inflicts great
38 bodily injury on any person, other than an accomplice, or
39 any felony in which the defendant personally uses a
40 firearm; (9) attempted murder; (10) assault with intent

1 to commit rape or robbery; (11) assault with a deadly
2 weapon or instrument on a peace officer; (12) assault by
3 a life prisoner on a noninmate; (13) assault with a deadly
4 weapon by an inmate; (14) arson; (15) exploding a
5 destructive device or any explosive with intent to injure;
6 (16) exploding a destructive device or any explosive
7 causing great bodily injury or mayhem; (17) exploding a
8 destructive device or any explosive with intent to
9 murder; (18) burglary of an inhabited dwelling house, or
10 trailer coach as defined by the Vehicle Code, or inhabited
11 portion of any other building; (19) robbery or bank
12 robbery; (20) kidnapping; (21) holding of a hostage by a
13 person confined in a state prison; (22) attempt to commit
14 a felony punishable by death or imprisonment in the state
15 prison for life; (23) any felony in which the defendant
16 personally used a dangerous or deadly weapon; (24)
17 selling, furnishing, administering, giving, or offering to
18 sell, furnish, administer, or give to a minor any heroin,
19 cocaine, phencyclidine (PCP), or any
20 methamphetamine-related drug, as described in
21 paragraph (2) of subdivision (d) of Section 11055 of the
22 Health and Safety Code, or any of the precursors of
23 methamphetamines, as described in subparagraph (A) of
24 paragraph (1) of subdivision (f) of Section 11055 or
25 subdivision (a) of Section 11100 of the Health and Safety
26 Code; (25) any violation of subdivision (a) of Section 289
27 or Section 289.5 where the act is accomplished against the
28 victim's will by force, violence, duress, menace, or fear of
29 immediate and unlawful bodily injury on the victim or
30 another person; (26) grand theft involving a firearm; (27)
31 carjacking; (28) any violation of Section 220; (29) assault
32 upon a peace officer or firefighter in violation of
33 subdivision (c) or (d) of Section 245; (30) assault upon a
34 custodial officer in violation of Section 245.3; (31)
35 continuous sexual abuse of a child in violation of Section
36 288.5; (32) intimidation of a witness or victim in violation
37 of paragraph (1) of subdivision (c) of Section 136.1; (33)
38 any attempt to commit a crime listed in this subdivision
39 other than an assault; ~~and~~ (34) any conspiracy to commit
40 an offense described in paragraph (24) as it applies to

1 Section 11370.4 of the Health and Safety Code where the
 2 defendant conspirator was substantially involved in the
 3 planning, direction, or financing of the underlying
 4 offense; and (35) a felony violation of Section 273.5 when
 5 the traumatic condition is of a serious nature.

6 (d) As used in this section, "bank robbery" means to
 7 take or attempt to take, by force or violence, or by
 8 intimidation from the person or presence of another any
 9 property or money or any other thing of value belonging
 10 to, or in the care, custody, control, management, or
 11 possession of, any bank, credit union, or any savings and
 12 loan association.

13 As used in this subdivision, the following terms have
 14 the following meanings:

15 (1) "Bank" means any member bank of the Federal
 16 Reserve System, and any bank, banking association, trust
 17 company, savings bank, or other banking institution
 18 organized or operating under the laws of the United
 19 States, and any bank the deposits of which are insured by
 20 the Federal Deposit Insurance Corporation.

21 (2) "Savings and loan association" means any federal
 22 savings and loan association and any "insured institution"
 23 as defined in Section 401 of the National Housing Act, as
 24 amended, and any federal credit union as defined in
 25 Section 2 of the Federal Credit Union Act.

26 (3) "Credit union" means any federal credit union and
 27 any state-chartered credit union the accounts of which
 28 are insured by the Administrator of the National Credit
 29 Union Administration.

30 (e) The provisions of this section shall not be amended
 31 by the Legislature except by statute passed in each house
 32 by rollcall vote entered in the journal, two-thirds of the
 33 membership concurring, or by a statute that becomes
 34 effective only when approved by the electors.

35 SEC. 5. Section 1192.8 of the Penal Code is repealed.

36 SEC. 6. Section 1385 of the Penal Code is amended to
 37 read:

38 1385. (a) The judge or magistrate may, either of his
 39 or her own motion or upon the application of the
 40 prosecuting attorney, and in furtherance of justice, order

1 an action to be dismissed. The reasons for the dismissal
2 must be set forth in an order entered upon the minutes.
3 No dismissal shall be made for any cause which would be
4 ground of demurrer to the accusatory pleading.

5 (b) This section does not authorize a judge to strike
6 any prior conviction of a serious or violent felony for
7 purposes of enhancement of a sentence under Section
8 667 or 667.1.

9 SEC. 7. Section 2931 of the Penal Code is amended to
10 read:

11 2931. (a) If a prisoner was sentenced to the state
12 prison pursuant to Section 1170, or if he or she committed
13 a felony before July 1, 1977, and would have been
14 sentenced under Section 1170 if the felony had been
15 committed after July 1, 1977, the Department of
16 Corrections may reduce the term prescribed under that
17 section by one-third for good behavior and participation
18 consistent with subdivision (d) of Section 1170.2. A
19 document shall be signed by a prison official and given to
20 the prisoner, at the time of compliance with Section 2930,
21 outlining the conditions which the prisoner shall meet to
22 receive the credit. The conditions specified in the
23 document may be modified upon any of the following:

24 (1) Mutual consent of the prisoner and the
25 Department of Corrections.

26 (2) The transfer of the prisoner from one institution to
27 another.

28 (3) The department's determination of the prisoner's
29 lack of adaptability or success in a specific program or
30 assignment. In that case the prisoner shall be entitled to
31 a hearing regarding the department's decision.

32 (4) A change in custodial status.

33 (b) Total possible good behavior and participation
34 credit shall result in a four-month reduction for each
35 eight months served in prison or in a reduction based on
36 this ratio for any lesser period of time. Three months of
37 this four-month reduction, or a reduction based on this
38 ratio for any lesser period, shall be based upon
39 forbearance from any act for which the prisoner could be
40 prosecuted in a court of law, either as a misdemeanor or

1 a felony, or any act of misconduct described as a serious
2 disciplinary infraction by the Department of Corrections.

3 (c) One month of this four-month reduction, or a
4 reduction based on this ratio for a lesser period, shall be
5 based solely upon participation in work, educational,
6 vocational, therapeutic, or other prison activities. Failure
7 to succeed after demonstrating a reasonable effort in the
8 specified activity shall not result in loss of participation
9 credit. Failure to participate in the specified activities
10 can result in a maximum loss of credit of 30 days for each
11 failure to participate. However, those confined for other
12 than behavior problems shall be given specified activities
13 commensurate with the custodial status.

14 (d) Notwithstanding this section, Section 4019, or any
15 other law authorizing a reduction in prison term for
16 conduct credit, any person who is sentenced to serve a
17 term of imprisonment in the state prison under
18 subdivision (a) or (c) of Section 190 shall not receive the
19 reduction in total imprisonment from the total term of
20 imprisonment imposed by the sentencing court under
21 subdivision (a) or (c) of Section 190 or for any other
22 offense or sentence enhancement.

23 (e) This section shall not apply to any person whose
24 crime was committed on or after January 1, 1983.

25 SEC. 8. Section 2933 of the Penal Code is amended to
26 read:

27 2933. (a) It is the intent of the Legislature that any
28 person who is convicted of a crime and sentenced to the
29 state prison under Section 1170 serve the entire sentence
30 imposed by the court, except for a reduction in the time
31 served in the custody of the Director of Corrections for
32 performance in work, training, or education programs
33 established by the Director of Corrections. Worktime
34 credits shall apply for performance in work assignments
35 and performance in elementary, high school, or
36 vocational education programs. Enrollment in a two- or
37 four-year college program leading to a degree shall result
38 in the application of time credits equal to that provided
39 in Section 2931. For every six months of full-time
40 performance in a credit qualifying program, as

1 designated by the director, a prisoner shall be awarded
2 worktime credit reductions from his or her term of
3 confinement of six months. A lesser amount of credit
4 based on this ratio shall be awarded for any lesser period
5 of continuous performance. Less than maximum credit
6 should be awarded pursuant to regulations adopted by
7 the director for any prisoner who is not assigned to a
8 full-time credit qualifying program. Every prisoner who
9 refuses to accept a full-time credit qualifying assignment
10 or who is denied the opportunity to earn worktime
11 credits pursuant to subdivision (a) of Section 2932 shall be
12 awarded no worktime credit reduction. Every prisoner
13 who voluntarily accepts a half-time credit qualifying
14 assignment in lieu of a full-time assignment shall be
15 awarded worktime credit reductions from his or her term
16 of confinement of three months for each six-month
17 period of continued performance. Except as provided in
18 subdivision (a) of Section 2932, every prisoner who is
19 willing to participate in a full-time credit qualifying
20 assignment but who is either not assigned to a full-time
21 assignment or is assigned to a program for less than full
22 time, shall receive no less credit than is provided under
23 Section 2931. Under no circumstances shall any prisoner
24 receive more than six months' credit reduction for any
25 six-month period under this section.

26 (b) Worktime credit is a privilege, not a right.
27 Worktime credit must be earned and may be forfeited
28 pursuant to Section 2932. Except as provided in
29 subdivision (a) of Section 2932, every prisoner shall have
30 a reasonable opportunity to participate in a full-time
31 credit qualifying assignment in a manner consistent with
32 institutional security and available resources.

33 (c) Under regulations adopted by the Department of
34 Corrections, which shall require a period of not more
35 than one year free of disciplinary infractions, worktime
36 credit which has been previously forfeited may be
37 restored by the director. The regulations shall provide for
38 separate classifications of serious disciplinary infractions
39 as they relate to restoration of credits; the time period
40 required before forfeited credits or a portion thereof may

1 be restored; and the percentage of forfeited credits that
2 may be restored for such time periods. For credits
3 forfeited for commission of a felony specified in
4 paragraph (1) of subdivision (a) of Section 2932, the
5 Department of Corrections may provide that up to 180
6 days of lost credit shall not be restored and up to 90 days
7 of credit shall not be restored for a forfeiture resulting
8 from conspiracy or attempts to commit one of those acts;
9 provided that no credits may be restored if they were
10 forfeited for a serious disciplinary infraction in which the
11 victim died or was permanently disabled. Upon
12 application of the prisoner and following completion of
13 the required time period free of disciplinary offenses,
14 forfeited credits eligible for restoration under the
15 regulations shall be restored unless, at a hearing, it is
16 found that the prisoner refused to accept or failed to
17 perform in a credit qualifying assignment or
18 extraordinary circumstances are present that require
19 that credits not be restored. "Extraordinary
20 circumstances" shall be defined in the regulations
21 adopted by the director.

22 The prisoner may appeal the finding through the
23 Department of Corrections review procedure, which
24 shall include a review by an individual independent of
25 the institution who has supervisory authority over the
26 institution.

27 (d) Subdivision (c) shall also apply in cases of credit
28 forfeited under Section 2931 for offenses and serious
29 disciplinary infractions occurring on or after January 1,
30 1983.

31 (e) Any person who is sentenced to a term in the state
32 prison under subdivision (a) or (c) of Section 190 shall
33 not be eligible for credit.

34 (f) Any person who is sentenced to a term of
35 imprisonment in the state prison for at least one violent
36 felony, as defined in subdivision (c) of Section 667.5, shall
37 not receive the reduction in total imprisonment pursuant
38 to this section, Section 2931, 4019, or any other law
39 authorizing a reduction in prison term for conduct credit.

40 ~~SEC. 9. Notwithstanding Section 17610 of the~~

1 Government Code, if the Commission on State Mandates
2 determines that this act contains costs mandated by the
3 state, reimbursement to local agencies and school
4 districts for those costs shall be made pursuant to Part 7
5 (commencing with Section 17500) of Division 4 of Title
6 8 of the Government Code. If the statewide cost of the
7 claim for reimbursement does not exceed one million
8 dollars (\$1,000,000), reimbursement shall be made from
9 the State Mandates Claims Fund. Notwithstanding
10 Section 17580 of the Government Code, unless otherwise
11 specified in this act, the provisions of this act shall become
12 operative on the same date that the act takes effect
13 pursuant to the California Constitution.

14 *SEC. 9. This act is an urgency statute necessary for*
15 *the immediate preservation of the public peace, health,*
16 *or safety within the meaning of Article IV of the*
17 *Constitution and shall go into immediate effect. The facts*
18 *constituting the necessity are:*

19 *In order to ensure longer prison sentences and greater*
20 *punishment for those persons who commit serious or*
21 *violent felonies and have been previously convicted of*
22 *serious or violent felonies, and to protect the public from*
23 *the imminent threat posed by those repeat offenders, it*
24 *is necessary that this act take effect immediately.*

POLLY KLAAS FOUNDATION ACCOMPLISHMENTS

- The FBI has since used our forensic artist, Jeannie Bolyan in kidnapped cases.
- Antioch Response - the community of Antioch looked like file footage of the Polly search. Ruth Maier was returned within 3 days. (December 22-25, 1993)
- San Francisco FBI is changing kidnap protocol based on Polly's case. (December 1993).
- Petaluma Police Department is changing kidnap protocol based on Polly's case. (December 1993).
- San Francisco FBI sets up kidnap task force. (January 1994).
- President Clinton endorses "3 Strikes You're Out" in his State of the Union speech. (January 1994).
- Scripps League Newspaper chain is featuring a child find poster weekly. (February 1994).
- Assisted: abduction of Jsameen Semien-Johnson - returned safe (December 1993 - January 3, 1994)
- Assisted: runaway, Teresita Delgado - returned safe (January 26-30 1994)
- Assisted: runaway, Paula Sarceno - returned safe (January 26-30 1994)
- Assisted: missing child, Krystal Fraizer - **found safe**
Called in by Petaluma Police and FBI (February 13-14, 1994)
- Assisted: abduction of Emilia Talavera - **returned safe**
Called in by Rohnert Park Public Safety Department (February 14-19, 1994)

Pending:

- Jeanna North - Fargo, North Dakota
- Stephanie Crane - Challis, Idaho
- We are currently negotiating with KRON Channel 4 to air a child find flyer at the end of their evening news broadcast.
- We are currently negotiating a date for President Clinton to address a nationally televised town meeting in Petaluma on crimes against children.
- Senate Bill 12X - VCIC/SHOP database to track serious and sexual felons.
- Polly Klaas Bill - three strikes against serious and violent felons. Two strikes on crimes against children.

REWARD

\$200,000



KIDNAPPED

POLLY HANNAH KLAAS

Date of Birth: 1/3/81

Brown Hair & Brown Eyes

HT: 4' 10" WT: 80 Lbs



SUSPECT

White Male, 32-45 yrs, 5' 10" to 6' 3"

Thick, Wavy, Salt & Pepper Hair

Full Beard and Full Face

Slight Age Lines on

Forehead & Around Eyes

POLLY WAS LAST SEEN OCTOBER 1, 1993 IN PETALUMA, CALIFORNIA

IF YOU HAVE ANY INFORMATION, PLEASE CALL:

The Petaluma Police at 707-778-4481 or the F.B.I. at 415-553-7400

Or the Polly Klaas Search Center at 1-800-587-4357 • PO Box 800 • Petaluma, CA 94953

The City of Petaluma, California will reward any person or persons who supply information leading to the safe return of Polly Klaas in an amount not to exceed \$200,000 in aggregate. The qualification of any person for the reward and the amount of reward for any person so qualifying will be determined by the City of Petaluma in its sole discretion. The total amount of all rewards given shall not exceed \$200,000. This offer will expire on the safe return of Polly Klaas or its revocation by the City of Petaluma. This reward is offered in accordance with and pursuant to the laws of the State of California.

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February 28, 1994

MEETING WITH MARC KLAAS

DATE: Tuesday, March 1
LOCATION: Your office
TIME: TBD
FROM: Bruce Reed

I. PURPOSE

To underscore the Administration's commitment to three-strikes-and-you're-out legislation by meeting Polly Klaas's father, Marc, who is the country's leading proponent of the three-strikes-and-out idea.

II. BACKGROUND

Marc Klaas is flying in from California to testify Tuesday morning at a Schumer subcommittee hearing on three-strikes-and-out. At the same hearing, the Justice Department will unveil the long-awaited details of the Administration's three-strikes-and-out proposal. Klaas has said that he likes and will support the Administration's approach, which targets serious violent repeat offenders, but excludes barroom brawls and non-violent drug crimes.

Klaas met with the President in the Oval Office in December. He told the President the story of how his daughter Polly was abducted from a slumber party at a friend's house, and later found dead after a lengthy search. The kidnapper, Richard Allen Davis, was a repeat offender who had been paroled 8 years into a 16-year sentence.

Klaas has led the fight in California for three-strikes legislation, which would have kept his daughter's kidnapper behind bars. On Tuesday, he is announcing a new three-strikes proposal for California which (like ours) is targeted to serious violent felonies, but which allows only two strikes for crimes against children under 14.

Klaas's support for the Administration's anti-crime efforts is invaluable to us, not just in the coming weeks as we push to pass the crime bill, but over the long haul as we seek to prove that Democrats are not soft on crime. He wrote the President a moving letter about how much he liked the State of the Union Address, and has offered to help in any way he can. We asked him to come meet with you to underscore that he supports our version of three-strikes -- so long as he's for it, we can't be criticized for being soft.

III. WHAT TO TALK ABOUT

Thank Klaas for all that he is doing to fight crime and protect children. Tell him how moved we were by his letter (attached). Thank him for his help in passing the crime bill, and ask him what we can do to help him in California.

"Talk to Polly"
Polly Klaas Foundation

P.O. Box 800 • Petaluma, California 94953 • 1-800-587-4357 • FAX 1-707-766-9523

February 1, 1994

President William J. Clinton
The White House
Washington, D.C. 20500

Dear President Clinton:

Let me first express my deep sorrow over the loss of your mother. She seemed like a lovely lady. It was obvious to all that you loved her very much and that your loss is profound. It is a testament to your strength and leadership that you were able to complete your successful European tour and give such an eloquent and inspiring State of the Union speech.

This is the first time in recent memory that a State of the Union message has addressed the needs and desires of the common citizen. There were no references to tax credits to major corporations, no promises of tax cuts to the rich and no proposals to spend huge amounts of money on esoteric science projects. It is refreshing to realize that at last there is a President that is an advocate of real people with real problems, hopes and fears.

I was encouraged by your reference to the electronic highway. I hope that you plan to extend it into the crime arena and apply this amazing technology to the National Crime Information Center. Once this very important database is in place, fully operational and available only to law enforcement we will be one step closer to realizing the goals of H-R 324 the "Jacob Wetterling, Crimes Against Children Registration Act."

I am very pleased to inform you that the San Francisco office of the FBI is setting up a task force of four agents plus a supervisor to specialize in and concentrate on stranger abduction kidnapping. They have assured me that they are serious and dedicated to this project. The FBI is actively lobbying the support of Northern California law enforcement jurisdictions as their participation is necessary to the success of this program. They tell me that Polly is their catalyst. This effort is in the spirit of the "Morgan P. Hardiman Task force for Missing & Exploited Children" which is in the Senate version of the crime bill. I am not aware of any similar effort by law enforcement to dedicate resource to this serious and growing problem. I think the FBI should be commended for their effort.

Your support of "Three Strikes And You're Out Legislation" is important and meaningful. It will increase the steamroller of support the initiative has picked up in California and make it virtually unstoppable. I see California as the first big domino in three strikes legislation. We have been receiving proposed "Three Strikes" legislation from concerned citizens and legislators from all over America. It is important that the citizens have a law that spells out exactly what punishments and penalties are in store for those that chose a life of violent crime. I think that you chose the correct course by targeting violent criminals. The American people want protection not rhetoric.

President William J. Clinton
February 1, 1994
Page Two

It was gratifying to hear you raise some of the themes that we spoke about during our meeting in December, 1993. The emphasis that you put on children's issues are particularly encouraging. It is a basic philosophy of the Polly Klaas Foundation that government cannot fund or change these problems without the assistance of the private sector. It certainly costs no money to point out that too many children are born into unstable family situations or that deadbeat parents must take responsibility for their children. I agree that many of our societal problems are rooted in a loss of values that should be cherished. Certainly, America must change from within. The disappearance of work, and the breakdown of families and communities are issues we must all address. Thank you for using your great influence to re-focus and attempt to change our national priorities. The Polly Klaas Foundation is willing to assist you in any way possible to realize these very important goals.

I again encourage you to consider coming to Petaluma, California at some point in the future to lead a nationally televised "Town Meeting" on children's issues and crimes against children. It would give you an opportunity to visit California during a very important election year. It would allow you to ally yourself with the bipartisan success of California crime legislation. It would afford you a high profile opportunity to take a pro-active stance and underscore an important issue that impacts all citizens. It would also send an important message if you were to return to the location of Ronald Regan's "All American Community" and declare that it's not so perfect anymore.

After 123 days Polly was returned to us yesterday. It was a very emotional time that I spent with my beautiful little daughter. It wasn't supposed to end like this. I was supposed to hold her in my arms and tell her that I loved her. Instead, I was only able to rest my head on her coffin and ask her to guide me from heaven.

If there is any assistance that I may offer you in getting your crime bill passed and implemented please do not hesitate to call on me. I am at your service. Thank you again for your time and consideration.

Sincerely,


Mare Klaas

cc: Board of Directors, Polly Klaas Foundation



Office of the Attorney General
Washington, D. C. 20530

March 1, 1994

Mack -
Fyi, Rahm

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: RON KLAIN
SUBJECT: THREE STRIKES PROPOSAL

Attached is the draft of the "three strikes and you're out" proposal, which you have previously reviewed. It is being presented this morning at a House Judiciary Subcommittee hearing today, by Acting Deputy Attorney General Jo Ann Harris.

Major Features of the Draft

The draft embodies the President's pledge to have a federal "three strikes" law: a law that will impose life imprisonment when a defendant is convicted, in federal court, of his third serious violent felony against another person (the first two strikes can be federal or state crimes).

Major issues or controversies addressed by the proposal are as follows:

- Life Sentence: "Life" would be real life -- not merely a term of years.
- Covered Offenses: The law would cover specific violent offenses against another person (such as murder, rape, armed robbery, arson, shooting someone); it excludes property crimes and non-violent offenses, such as drug sales. A catch-all (felonies serious enough to merit a 10-year term, where an element of the crime is the use or threat of force) is also included. [As such, it is somewhat narrower than the two proposals that passed the Senate (Sen. Lott's and Sen. Gramm's) because it does not cover non-violent drug crimes or property crimes.]
- Exception: Robberies or "catch-all" felonies do not count as "strikes" if the defendant can prove that he did not use a gun, or did not cause serious bodily harm to his victim.
- Timing: The statute is a recidivism law -- it only applies when someone is caught, convicted, released, and then commits a crime again, and then again. Thus, someone who commits three felonies on a single crime spree is not covered. On the other hand, there is no time limit for the three convictions: convictions at ages 18, 35, and 50, for example, would count as three strikes.

The best statistics available suggest that the law would cover approximately 200 federal defendants annually, nationwide.

Likely Questions and Answers

- Q. Who supports your plan? Who opposes it?
- A. We have worked hard in the Department of Justice to craft the best possible three-strikes provision, one that targets the truly dangerous offender, and gets him or her off the streets for good. We hope that, so drafted, it will have broad bipartisan support on Capitol Hill.
- Q. Is your proposal narrower than the Senate's? Is it weaker?
- A. Working with the U.S. Attorneys and the career prosecutors in the Justice Department, we have crafted a provision that goes right at the precise people who need to be taken off the streets for good -- repeat, serious, violent offenders. That targetting is both tough and smart.
- Q. Won't your proposal lock up geriatrics?
- A. For deterrent purposes, life should be life -- we do not want to bet innocent lives on a criminal becoming "safe" at some specific age (i.e., age 55 or age 60). Also, we do not want to reinstitute a parole-type hearing into the federal system.
- Q. Doesn't your law miss the mass-murderer, who kills 3, 5, or 10 people without being caught?
- A. Many other laws -- including the death penalty -- exist to deal with mass murderers and crazed criminals on a crime spree; this is a single statute, to deal with a single problem: revolving door repeat offenses by violent criminals. Moreover, without a timing rule, a 19-year old who holds up three stores on a weekend would go to jail for life.

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BERKELEY, CALIFORNIA 94720

DEPARTMENT OF CLASSICS

February 26, 1994

President Bill Clinton
The White House
Washington, D.C.

Dear President Clinton:

Thank you for making some of the new appointments to the Board of the United States Institute of Peace. I hope you will not mind my conveying to you through my friend and associate Mark Klaas my appreciation and my request that you soon fill the remaining appointments of members whose terms have expired, and in so doing give the board the strong, imaginative character it will need for the most challenging job our country faces as a world power: to build a new regime of stable peace.

You will probably find my name among the nominees and I would be proud to serve our country if appointed, but my concern here is that persons who can speak for positive peace, nonviolence and bold initiatives be adequately represented in that important position. I have been impressed with the Institute and enjoyed working with them in various capacities; I am convinced that, with adequate strength in the area of forward-looking measures for positive peace, it could be an invaluable resource for you.

With utmost respect and great appreciation for your work, I am,

Very truly yours,

Michael N. Nagler
Professor (emer.)

Polly Hannah Klaas was a vibrant, talented child, full of life with the promise of a bright future. When she was kidnapped at knifepoint from her bedroom slumber party on October 1, 1993, the community of Petaluma, California responded with a spontaneous, and unprecedented, effort to find her. Thousands of volunteers from the San Francisco Bay Area and across the nation, joined in what became an international search for the missing 12 year-old.

The Polly Klaas Foundation was formed October 23, 1993 to continue the search for Polly. Following the discovery of her murder, the Foundation adopted a new mission:

“Make America Safe For Children”

Goals of the Foundation in support of our mission include:

- Education, technical assistance and support for individuals and the public to prevent crimes against children
- Assistance in the recovery of missing children
- Support for legislative and regulatory protection for children

Our dedicated volunteers across the country are working together to realize these goals.



Polly Hannah Klaas

Polly is truly “America’s child.” The Polly Klaas Foundation is committed to turning the tragedy of her death into a force of positive change for the protection of our children.

Children are our future, they deserve our highest priority.

What Can You Do?

1. Get Involved In Your Community

- Be a part of a neighborhood watch program
- Know your neighborhood and your neighbors
- Participate in volunteer programs supporting your local law enforcement agencies

2. Write To Your Elected Representatives

- Let your elected representatives know how you feel
- Tell them what you believe must be changed
- Be sure they understand the priority you place on child safety

3. Protect Your Children

- Keep current identification of your children in a safe and accessible place (fingerprints, photo, physical description)
- Know how to obtain your child’s dental x-rays and medical records
- Don’t leave your child alone or unattended in public (in a car, in a store)
- Know your child’s friends, their names, where they live, and how to contact them
- Check the references and qualifications of daycare, preschool, baby sitters, and youth organizations before leaving your child in their care
- Be involved in your child’s activities (volunteer at school, clubs, attend sporting events)
- Know the routes your child takes to and from school, friends’ homes and other activities
- Listen to your children, let them know you take their concerns seriously, don’t minimize their fears

4. Teach Your Children To Protect Themselves

See following panel for “Tips On Child Safety”



TIPS ON CHILD SAFETY

Teach your children to protect themselves:

- Never open the door when you're home alone
- Never go out alone, use the "huddy system"
- Always tell your parents who you are with, where you will be, and when you will return
- Know your name, address and telephone number (including area code)
- Know how and when to make an emergency telephone call (911 for Emergency or 0 to reach the Operator)
- Know who to call for help when you can't reach your parents
- Never get into a car with someone you do not know well unless your parents first give you permission
- If someone tries to take you with them, shout loudly: "I don't know you, help me, I'm in trouble!"
- If someone touches you in a way that makes you frightened or confused, say "NO" and tell an adult you can trust right away

Remember Polly.

Do your part, and encourage your friends and neighbors to help.
"Make America Safe For Children."

For more information, write to:

THE POLLY KLAAS FOUNDATION
P.O. BOX 800
PETALUMA, CA 94953
(800) 587-4357

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POLLY KLAAS FOUNDATION

MISSION STATEMENT: Make America Safe for Children

GOALS: Provide education, technical assistance and support for individuals and the general public to prevent crimes against children

Assist in the recovery of missing children

Support legislative and regulatory protection for children, and the victims of crimes against children

Provide financial assistance to individuals and organizations for the purposes expressed in the Foundation's Statement of Purposes and Proposed Activities

PREVENTION

Goal:	Provide education, technical assistance and support for individuals and the general public to prevent crimes against children
Objectives	Activities
Establish Petaluma as a model community for child safety	Develop a neighborhood watch program in cooperation with Petaluma PD
	Establish the optimum response plan for missing children in cooperation with Bay Area government and law enforcement agencies
	Provide child identification services (e.g., fingerprinting, video i.d.)
	Provide child safety awareness education for children and the community <ul style="list-style-type: none"> • Sponsor installation of the "Kids and Company" program in Sonoma Co schools with a minimum of (?) students • Educate parents in alternatives to "home alone" situations
	Support Boys and Girls Clubs as an effective alternative for "latch key" children <ul style="list-style-type: none"> • Support transportation from schools • Support public sponsorships
	Provide a safe public environment for children <ul style="list-style-type: none"> • Support neighborhood and community policing programs • Support neighborhood "safe house" programs • Ban drinking in city parks
	Support volunteer programs to provide services to Petaluma P.D. that will place more uniformed officers on the street

Goal:	Provide education, technical assistance and support for individuals and the general public to prevent crimes against children	
	Objectives	Activities
	Support efforts to increase awareness and provide public education on issues related to child safety	Develop innovative methods of providing safety education for children (e.g., interactive video)
		Publish/distribute literature on child safety and related issues
		Provide a speakers bureau for schools and community groups
	Assist victims of crimes against children	Referral services <ul style="list-style-type: none"> • Legal services • Counseling services • Victims rights • Investigative services • Media contacts
		Technical assistance <ul style="list-style-type: none"> • Victims rights • Law enforcement procedure • Legal resources • Judicial procedures
	Provide public access to information on legislative and regulatory issues involving the protection of children	Conduct independent analysis of proposed state and federal legislation
		Offer FAX On Demand information and referrals on current issues

RESPONSE

The guiding principal for our response efforts is to determine individual needs, and identify the most effective resources to meet them. In many cases, these may not be PKF resources, but a government agency, community service or other volunteer resource. Another important principle is the provision of services based on need. Essential services are not yet available in every community, and may not be accessible to every child. We anticipate that the scope and nature of our services will change as our experience and capabilities grow.

Goal: Assist in the recovery of Missing Children	
Objectives	Activities
Develop a "national response network" to assist in the recovery of missing children	<p>Develop cooperative efforts between government, law enforcement agencies, and volunteer organizations to improve the effectiveness of their response to cases of missing children</p> <ul style="list-style-type: none"> • Petaluma, Sonoma, Marin Counties • San Francisco Bay Area • State of California • U.S. Dept of Justice (FBI, etc.) • U.S. Dept of Defense
Assist individuals and communities prepare for and respond to child abductions	<p>Develop and maintain a "How To" guide to assist individuals and communities prepare for, and respond to child abductions</p> <ul style="list-style-type: none"> • Support organization • Cooperation with law enforcement • Location of resources • Poster distribution • Search organization • Media relations
	<p>Establish a cooperative effort with the NCMEC and other nonprofit agencies to distribute information to individuals and communities</p>

Goal: Assist in the recovery of Missing Children	
Objectives	Activities
Assist in the search for, and recovery of, missing children, including <ul style="list-style-type: none"> • non-family abductions • family abductions • lost children • endangered runaways 	Provide assistance based on individual needs of each case Nationwide capabilities <ul style="list-style-type: none"> • electronic imaging • electronic bulletin board network • poster printing • poster distribution • mailing lists and labels • 800# hotline • media contacts • language translation Northern California <ul style="list-style-type: none"> • air search San Francisco Bay Area <ul style="list-style-type: none"> • trained Search and Rescue team Mariu and Sonoma Counties <ul style="list-style-type: none"> • large scale ground search
	Provide direct assistance to the families of missing children, their communities and law enforcement in the San Francisco Bay Area.
	Assist law enforcement and nonprofit agencies in the recovery of endangered missing, runaway and throwaway children

Goal: Assist in the recovery of Missing Children	
Objectives	Activities
Develop and maintain a volunteer Search and Rescue (SAR) capability	<p>Establish a core of trained and experienced volunteers who:</p> <ul style="list-style-type: none"> • Are active or reserve members of Marin and Sonoma County Sherriff's Office SAR teams • Act as SAR team leaders for PKF search efforts • Maintain an "on call" SAR emergency response capability • Provide an effective SAR response in the absence of officially sanctioned SAR efforts
	<p>Maintain contact with law enforcement and government agencies (e.g., the Bay Area Emergency Response Authority and the State of California Office of Emergency Services) to assure appropriate utilization of PKF SAR resources</p>
	<p>Provide SAR education for interested individuals and the local community</p> <ul style="list-style-type: none"> • NASAR certification or equivalent for PKF SAR core group • Informal SAR-related instruction for the community
	<p>Develop a cooperative mutual aid network of informal SAR volunteers to assist in search efforts throughout California</p>
	<p>Establish a volunteer air search capability</p> <ul style="list-style-type: none"> • Develop a network of experienced pilots and observers • Develop an air search protocol for rapid incident response

Goal: Assist in the recovery of Missing Children	
Objectives	Activities
Develop rapid and effective methods for the dissemination of information on missing children through cooperative efforts with government, private business and other nonprofit organizations	Establish agreements with local and national media <ul style="list-style-type: none"> • Newspapers • Periodicals • Radio • Television • Advertising Networks
	Establish agreements with private business <ul style="list-style-type: none"> • Communications (e.g., GTE, Fax networks, electronic bulletin boards) • Printing, paper suppliers, shipping companies • National companies, franchise networks and trade associations • Transportation (airports, train and bus stations) • Hotels, motels, camps, hostels
	Establish agreements with government and public agencies <ul style="list-style-type: none"> • U.S. Postal Service • FBI • State Clearinghouses • Social service agencies • Schools
	Establish agreements with nonprofit organizations <ul style="list-style-type: none"> • child find organizations • shelters • medical services

LEGISLATION

Goal: Support legislative and regulatory protection for children, and the victims of crimes against children	
Objectives	Activities
Support stronger, more effective criminal sentences for serious and violent crimes against children through the education of legislators, elected officials and the public	Support passage of a federal crime sentencing provision to prevent the release of repeat serious and violent offenders as a precedent for state sentencing provisions
	Support state "truth in sentencing" laws (at least 85% time served) to make criminal sentences more effective deterrents <ul style="list-style-type: none"> • Support the "truth in sentencing" amendment in the Federal Crime Bill to encourage state compliance for federal funding for prison construction
	Support federal penalties of life without parole for the offense of kidnapping, eligible for special circumstances with bodily injury
	Support alternative sentencing to achieve more cost effective rehabilitation for first-time nonsexual, nonviolent offenders (e.g., CA AB 99)
	Support federal funding, or the use of federal prisons, for illegal immigrant felons
	Support the limitation of "diminished capacity" defenses
	Support a streamlined appeals process to assure the rights of the public and the accused to a fair and speedy trial within 6 months of indictment (e.g., MO law)

Goal: Support legislative and regulatory protection for children, and the victims of crimes against children	
Objectives	Activities
Support enhancement of efforts to identify and apprehend offenders who commit serious and violent crimes against children	Support the development of and access to information on violent and sexual felons, including public access needed to protect children in the community (e.g., Jacob Wetterling Crimes Against Children Registration Act, CA VCIC SB 12X, AB 2500)
	Support meaningful penalties (felony status) for failure of sexual offenders to register annually
	Support programs designed to evaluate and track the activities of violent and sexual felons, i.e. the CA Sexual Habitual Offender Program (SHOP)
	Support the development of cooperative interagency programs to provide a more effective local response to stranger abductions (e.g., the Hardiman Task Force)
	Support changes in law and judicial procedure to reduce the trauma inflicted on children in the identification and prosecution of violent and sexual offenders
Encourage and support cooperative efforts between government and the volunteer community to prevent and respond to crimes against children	Support passage of The Polly Klaas Child Rescue Act
	Encourage funding of private and government studies on the cost of crime and crime prevention to identify cost-effective solutions
	Support federal funding at the state level via the NCMEC for qualified child find organizations

FINANCIAL

Goal: Provide financial assistance to individuals and organizations for the purposes expressed in the Foundation's Statement of Purposes and Proposed Activities	
Objectives	Activities
Contribute funding for community programs that increase child safety in Petaluma	Sponsor a neighborhood watch program in Petaluma
	Establish a scholarship fund for the Boys and Girls Club
Establish fund raising programs supporting cooperative efforts to find missing children	<p>Participate in cooperative fund raising efforts to support an effective network of nonprofit child find organizations</p> <ul style="list-style-type: none"> • Establish an annual schedule of events contributing to child find organizations in Northern California • Perpetuate programs through the Polly Klaas Fund administered with the NCMEC
Develop financial incentives that contribute to the safe return of missing children	Establish a reward fund for the safe return of missing children in known or suspected cases of stranger abduction
	Contribute to the development and support of grass roots volunteer organizations formed to find missing children

Polly Hannah Klaas was a vibrant, talented child, full of life with the promise of a bright future. When she was kidnapped at knifepoint from her bedroom slumber party on October 1, 1993, the community of Petaluma, California responded with a spontaneous and unprecedented effort to find her. Thousands of volunteers from the San Francisco Bay Area and across the nation joined in what became an international search for the missing 12 year-old.

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“Make America Safe for Children”

The goals of the Foundation in support of our mission include:

- Education, technical assistance and support for individuals and the public to prevent crimes against children
- Assistance in the recovery of missing children
- Support for legislative and regulatory protection for children

Our dedicated volunteers across the country are working together to realize these goals.



Polly Hannah Klaas

Polly is truly “America’s child.” The Polly Klaas Foundation is committed to turning the tragedy of her death into a force of positive change for the protection of our children. Children are our future. They deserve our highest priority.

What Can You Do?

1. Get Involved In Your Community

- Be a part of a neighborhood watch program
- Know your neighborhood and your neighbors
- Participate in volunteer programs that support your local law enforcement agencies

2. Write To Your Elected Representatives

- Let your elected representatives know how you feel
- Tell them what you believe must be changed
- Be sure they understand the priority you place on child safety

3. Protect Your Children

- Keep current identification of your children in a safe and accessible place (fingerprints, photo, video, physical description)
- Know how to obtain your child’s dental x-rays and medical records
- Don’t leave your child alone or unattended in public places (in a car, in a store)
- Know your child’s friends, their names, where they live, and how to contact them
- Before leaving your child in the care of a daycare, preschool, baby-sitter, or youth organization, check their references and qualifications
- Be involved in your child’s activities (volunteer at school and clubs, attend sporting events)
- Know the routes your child takes to and from school, friends’ homes and other activities
- Listen to your children; let them know you take their concerns seriously; don’t minimize their fears

4. Teach Your Children To Protect Themselves

See following panel for “Tips On Child Safety”



TIPS ON CHILD SAFETY

Teach your children to protect themselves:

- Never open the door when you're home alone-
- Never go out alone; use the "buddy system"
- Always tell your parents who you are with, where you will be, and when you will return
- Know your name, address and telephone number (including area code)
- Know how and when to make an emergency telephone call (911 for Emergency or 0 to reach the Operator)
- Know who to call for help when you can't reach your parents
- Never get into a car with someone you do not know well unless your parents first give you permission
- If someone tries to take you with them, shout loudly: "I don't know you - help me - I'm in trouble!"
- If someone touches you in a way that makes you frightened or confused, say "NO" and tell an adult you can trust right away

Remember Polly:

Do your part, and encourage your friends and neighbors to help
"Make America Safe For Children."

For more information, write to:

The Polly Klaas Foundation
P. O. Box 800
Petaluma, CA 94953
(800) 587-4357

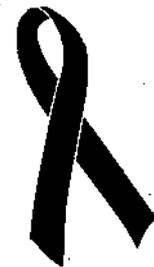
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POLLY KLAAS FOUNDATION ACCOMPLISHMENTS

- Assisted: abduction of Jsameen Semien-Johnson - **returned safe** (December 1993 - January 3, 1994)
- Assisted: runaway, Teresita Delgado - **returned safe** (January 26-30, 1994)
- Assisted: runaway, Paula Sarçeno - **returned safe** (January 26-30, 1994)
- Assisted: missing child, Krystal Fraizer - **found safe**
Called in by Petaluma Police and FBI (February 13-14, 1994)
- Assisted: abduction of Emilia Talavera - **returned safe**
Called in by Rohnert Park Public Safety Department (February 14-19, 1994)
- Assisted: runaway, Meriha Grace Valdez - **found safe** (March 3-5, 1994)
- Assisted: abduction of David Chung - **found deceased** (March 21, 1994)
- Assisted: missing child, Shannon Lynn Barry - **returned safe**
Called in by Ukiah Police Department (March 30-31, 1994)
- Assisted: parental abduction of Dylan James Schuleter - **returned safe**
Called in by Willits Police Department (April 1-6, 1994)
- Assisted: missing child, Reco Maximo - **found safe** (April 7-10, 1994)
- The FBI has since used our forensic artist, Jeannie Bolyan in kidnapped cases.
- Antioch Response - the community of Antioch looked like file footage of the Polly search. Ruth Maier was returned within 3 days. (December 22-25, 1993)
- San Francisco FBI is changing kidnap protocol based on Polly's case. (December 1993).
- Petaluma Police Department is changing kidnap protocol based on Polly's case. (December 1993).
- San Francisco FBI sets up kidnap task force. (January 1994).
- President Clinton endorses "3 Strikes You're Out" in his State of the Union speech. (January 1994).
- Scripps League Newspaper chain is featuring a child find poster weekly. (February 1994).

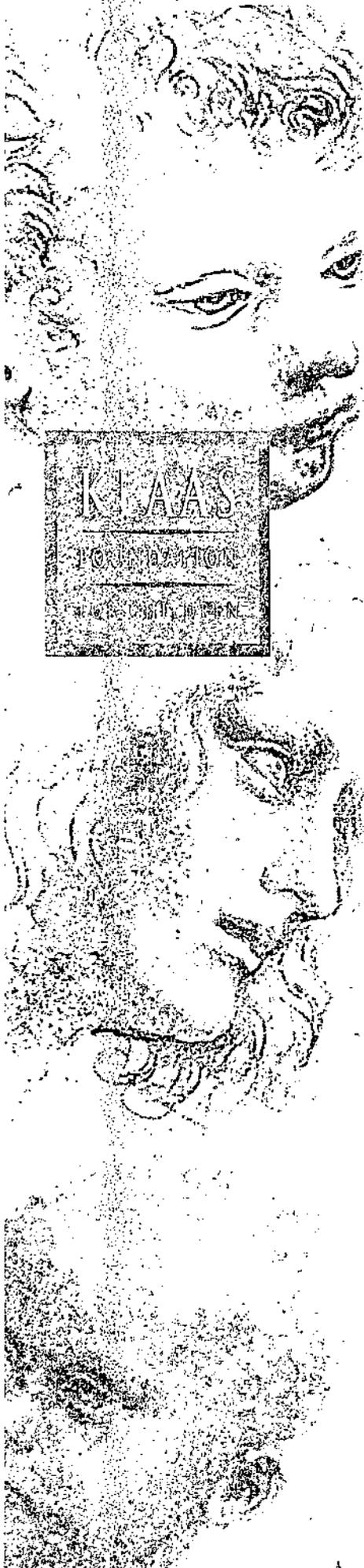
P.O. Box 800
Petaluma,
CA 94953

1-800-587-HELP
1-800-587-4357
Fax:
1-707-769-9158



Pending:

- **Polly Klaas Memorial Habitual Offenders Bill** - three strikes against serious and violent felons. Two strikes on sex crimes against children. No good time credits.
- **Senate Bill 12X** - VCIC/SHOP Department of Justice database to track serious and sexual felons. Information available only to law enforcement, including officers in patrol cars.
- **Assembly Bill 2500** - Give public access to information on convicted sex felons via a 900 line operated through the California State Department of Justice.
- **Assembly Bill 99X (Rainey)** - Diversionary programs for first time non-violent offenders. Community based punishment act of 1994.
- Jeanna North - Fargo, North Dakota. Kidnapped June 1993.
- Stephanie Crane - Challis, Idaho. Kidnapped October 1993.
- We are currently negotiating with KRON Channel 4 to air a child find flyer and prevention tip at the end of their evening news broadcast.
- We are currently negotiating a date for **President Clinton** to address a nationally televised town meeting in Petaluma on crimes against children.



KLAAS ACTION REVIEW

THE NEWSLETTER OF THE MARC KLAAS FOUNDATION FOR CHILDREN

A MESSAGE FROM MARC



In the recent techno-crime movie, *The Net*, Sandra Bullock instantly accesses her forged criminal history, complete with photo, on a computer monitor. It's a technology we see constantly in movies and on TV, and I think most of us assume that it must be based in reality. But if it is, why were Sonoma County Sheriff's deputies unable to access the criminal history of Richard Allen Davis the night they had him in custody—the night beautiful 12-year-old Polly was abducted and murdered?

Unfortunately, the answer is simple—there was no super computer system to aid Polly that fateful evening. In fact, until quite recently, access to comprehensive histories of known felons existed only in theory. In some states, a violent felon can cross county lines and effectively erase his criminal history. This makes it almost impossible to adequately investigate, charge, or prosecute repeat felons, leaving them to prey on an innocent and unsuspecting public.

Art Becomes Reality

However, the technology to access this vital information does now exist: California's experimental Violent Crime Information Network (VCIN) gives law enforcement abilities equal to those imagined by film makers. It allows them to effectively track and monitor

violent predators through many diverse criteria—by name, physical description, vehicle registration, identifying body marks, tattoos, etc. The VCIN would have prevented Richard Allen Davis from evading law enforcement for 65 days while we were looking for Polly.

Vital Data Cheaper, Faster

The VCIN uses information from the DMV database, the Department of Justice sex offender registry, probation files, federal offender files, and local and regional systems. Information can be downloaded directly to patrol cars, giving officers a better tool for protecting themselves and the public. Police and incident reports are entered directly into the system, circumventing much paperwork. And it does all this without requiring changes to existing databases, making it cost-effective as well.

(Cont. on page 3)

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November 3, 1996

Mr. Bruce Reed
Domestic Policy Advisor
The White House
Washington, D.C. 20500

Dear Bruce:

Congratulations!! You did a great job. Now, the United States can enter the new millennium with a powerful, positive agenda and shine as the brightest star. I am pleased to have assisted in my own modest way.

On a personal note, I see your name increasingly connected to the far reaching, creative initiatives of the administration. Your hard work and dedication to a great President will continue to pay the dividends you and America deserves.

I look forward to a continued relationship with the administration and wish to propose a couple of options for future cooperation in achieving mutual goals.

One consideration is a job with the administration that will allow me to pursue a national child safety agenda. My positive relationship with Congressional and State legislators positions me to establish bipartisan coalitions that will support criminal justice reform.

My involvement with child safety issues provides me with the contacts to organize a month in which children's issues are prioritized on a national basis. Government, law enforcement, the private sector and communities need to work together to promote child safety and elevate children on the national agenda.

The Foundation needs funding. As you know, we have been working very hard for more than three years on a shoestring budget. Now that the trial is over, we anticipate increased success for our cause only if we have the funding necessary to staff and pursue a variety of original programs.

Attached is a proposal for the President to reaffirm his commitment to the children before the inauguration. Elissa Laurence has assisted me with the Foundation for a year and is connected with Silicon Valley and Northern California business leaders. Bruce, if you pass this proposal upstairs I do not want it to be considered a favor to me. Look at it as a favor to the President and the country.

The truth is that I wish to be involved in pursuing the themes so eloquently envisioned by the President in his acceptance speech in Chicago. Let's get busy. After all, America belongs to the children and we are only holding it in trust until they are old enough and mature enough to take possession.

Sincerely,



Marc Klaas
Attachments: Mission Statement, Elissa Laurence Proposal



MISSION , PHILOSOPHY, GOALS AND HISTORY

MISSION

To stop crimes against our children in this generation.

PHILOSOPHY

The world belongs to the children and we are only holding it in trust until they are old enough to take possession. By addressing the escalating problem of crime we will attain our mission of stopping crimes against our children and ending child abuse. When we take responsibility to become part of the solution to fighting crime, we create a pro-active society that takes pride in its accomplishments. By forming partnerships with legislators, law enforcement, the private sector, organizations and concerned citizens the world that we leave to the children will be safer and more secure than the world we live in today.

GOALS AND OBJECTIVES

- ♥ promote nationwide parental awareness and child safety information; (94-97)
- ♥ provide communities with proactive steps for creating safer neighborhoods; (94-97)
- ♥ educate the public on the necessity for establishing uniform laws to punish and monitor criminals who target children; (94-97)
- ♥ develop a stranger abduction response program in cooperation with the FBI that allows families and communities to organize coordinated volunteer efforts to quickly and effectively recover stolen children; (96-97)
- ♥ the reallocation of Federal Crime Bill prevention funds diverted to non-discretionary law enforcement block grants to programs for at-risk youth; (97)
- ♥ promote victim's rights amendments to the Federal and State Constitutions that treat children and other victims of crime with respect and dignity and protect them from continual re-victimization by the criminal justice system. (97)

HISTORY

The world froze on the evening of December 4, 1993, when Polly Klaas, the beautiful girl shown smiling in home videos for millions of TV viewers, was found dead in Cloverdale, California. Abducted sixty-five days earlier from her bedroom as her mother slept in the next room, America's Child, symbolized much that wrong with our society.

Thousands of selfless volunteers abandoned normal routines and searched for Polly in the largest manhunt in American history. A mass distribution of more than 2 billion images of Polly was sent worldwide. She soon became a symbol of love and lost innocence.

Marc Klaas immediately embarked upon a campaign to elevate children on the national priority list. Within a year the Klaas Foundation for Children was formed: