

Proportionality

Recently, Senator Skinner introduced Senate-Bill-82 into California's State Legislature in amendment of a number of sections concerning theft. Senate-Bill-82, also known as petty theft, consists of thefts under \$950 that may incorporate force or fear but do not result in great bodily harm or involve usage of a deadly weapon (Skinner). Petty theft is split into two degrees where the first degree involves force or fear while the second degree does not; first degree charges have a maximum jail time of one year and/or an up to \$1000 fine while the second degree charges a maximum of six months and/or an up to \$1000 fine (Skinner). Moreover, this change would prohibit petty theft from being charged as robbery or burglary, and would also allow already convicted individuals to solicit re-sentences in acknowledgement of this new criteria (Skinner). The new specificity of petty theft separates itself from the current law of being charged with 6 months and/or an up to \$1000 fine in all non-violent cases of petty theft (Skinner). Though this Bill may seemingly lack the rigidity to ensure justice, there are various pillars that support the Bill's potential.

Spectrum News recites the story of a man named James Grajeda who was charged with robbery for stealing a 6-pack of beer and though it is considered as a non-violent petty theft, the crime held the proportionality of a robbery; a crime "classified as a violent offense and punishable by up to five years in prison" rather than its petty theft counterpart, SB-82, which holds a maximum of six months and/or an up to \$1000 fine (Brunell). This story highlights the central notion of proportionality in charges; excessive conviction as shown in Grajeda's case is highly unreasonable in weighing the offense with the punishments, and without the specification of petty theft, these unjustified cases would occur in excessive quantities. Furthermore, the concept of petty theft is often misunderstood as the permission to be unprosecuted, but the

ultimate purpose is to clarify state law so that nonviolent cases of theft aren't charged as violent felonies (Rodriguez). If one were to consider the monetary balance between the stolen value below \$950 versus the fine up to \$1000, they would see that monetary loss wouldn't be present, and in punishment of the intent; a maximum of six months or one year is certainly a reasonable charge to safeguard justice against an offender.

What's more is, not only does the Bill establish the fundamental structure of proportionality, but it also manages the deficit in the California incarceration budget as well as solving overpopulation of State Prisons. And these prisons hold the responsibilities to have multiple levels of security; staff to run facilities and supervise inmates; food and programming; infrastructure maintenance; specialized health care for prisoners; electricity; recreational and educational opportunities etc... (Vera). Because of these things, The California Legislative Analyst's Office indicates that each inmate cost the state an average of \$81,000 per year (2018-2019), and that does not even include prosecution and legal proceeding charges (LAO). With roughly 115,000 inmates in California since 2017, the budget would dramatically decrease by altering robbery charges from 5 years to petty theft charges of one year or six months. Each theft-prosecuted inmate could save up to four years of \$81,000 and significantly extinguish overcrowding in California prisons, which just last year "held 33% more prisoners than they were designed to hold" (Harris).

Last but not least, there is more than sufficient evidence to exhibit the fact that tougher laws don't create less crime. Even without petty theft laws, PPIC states that "California's property crime rate was above the national rate (2,110 per 100,000 residents) and ranked 19th among all states" (PPIC). The Los Angeles Times remarked, "In 38 other states, the line [the petty theft maximum monetary value stolen] is \$1,000 or higher, and in some states, like Texas,

it's more than twice as high. If California is an outlier, it's because its theft laws remain tougher, not softer" (Los Angeles Times Board). Since the idea that tougher laws in other states still don't enable crime to decrease, the function of tougher or softer laws should not be the focus, but rather the rationality of sentences and charges.

All in all, whether it is in the aspect of initiating equitable charges, or the aspect of reducing prison over-population and spending, the three reasons stated above all manifest the capability of SB-82. This Bill seeks to improve over-crowded prisons, provide money for the State, give an opportunity to establish justice, and tackle proportionality rather than severity of the law. That is why SB-82 should undoubtedly be passed through the legislature.

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