

### **California should eliminate its “three strikes” law**

#### **Key Terms**

Felony

Misdemeanor

Plea Bargain

Petty offenders

Recidivism

Prosecutors

Discretion

Parole

Lenient

Deterrence

**Sources:** The Sentencing Project -- <http://www.sentencingproject.org/pubs/3strikesnew.pdf>

#### **Fact Set**

- The “three strikes” law states that criminals convicted of two “strikes” get their sentences doubled. Criminals convicted of three “strikes” get 25 years to life in state prison and must serve at least 20 years before they are eligible for parole. The first two “strikes” must be felonies, but the third “strike” need not.
- California’s “three strikes” law was passed in 1994. The law was signed by the governor in 1994 after the murder of 12-year-old Polly Klaas by career criminal Richard Allen Davis. Later in 1994, 70 percent of California voters supported the law.

#### **Arguments in favor of California eliminating its “three strikes” law**

- The three strikes law is too harsh on criminals, especially when the third offense need not be a felony or violent crime. Nearly half of those in prison with three-strikes had a non-violent third strike. People who shoplift or commit other petty crimes should not get 25 years to life in prison.
- Three strikes laws increase murder. If the offender is caught doing a minor crime that would count as their third strike, there is no incentive to avoid committing a more serious crime like murder. A study of cities in states with three strikes laws found that they experienced short term increases in homicide rates of 13-14 percent and long-term increases of 16-24 percent compared with cities in states without three strikes laws.
- Three strikes laws are unnecessary to reduce crime. Serious crime dropped 41% from 1993 to 1999 in New York state, 33% in Massachusetts and 31% in Washington, D.C. without three strikes laws.
- Prosecutors and judges should have the flexibility to tailor sentences to each case. Harsh punishments can still be given to repeat criminals even if they are not mandated by three-strikes legislation.
- The three strikes law is not applied equally throughout the state. Criminals in more conservative areas of the state are more likely to be charged under the three strikes legislation. The length of the sentence for similar crimes should not vary so widely depending on what area of the state in which the crime is committed.

#### **Arguments against California eliminating its “three strikes” law**

- Three strikes legislation has been successful in reducing crime in California. According to the authors of the bill, it has reduced crime in California by 40%, more than the national average.
- Recent California Supreme Court rulings have given prosecutors discretion in applying the three-strikes laws. It does not have to be applied to criminals that do not pose a threat to society.
- Prosecutors only use the three strikes law in about 10% of cases. They reserve it for the most dangerous criminals and so it is effective in taking the most serious criminals off of the streets.
- The Supreme Court recently ruled that California’s three strikes law is not cruel and unusual punishment.
- The state of California has a responsibility to its citizens to prevent repeat criminals from continuing to commit crimes. This legislation ensures that those with a history of violent crime will be taken off the streets for a significant amount of time.
- The three strikes law gives rehabilitation two chances to work. But criminals that do not respond to the rehabilitative options of the criminal justice system should be taken off of the streets.

### **California should eliminate its “three strikes” law**

#### **Key Terms**

Felony  
Misdemeanor  
Plea Bargain  
Petty offenders  
Recidivism  
Prosecutors  
Discretion  
Parole  
Lenient  
Deterrence

#### **Sources**

The Sentencing Project  
<http://www.sentencingproject.org/pubs/3strikesnew.pdf>

#### **Fact Set**

- The “three strikes” law states that criminals convicted of two “strikes” get their sentences doubled. Criminals convicted of three “strikes” get 25 years to life in state prison and must serve at least 20 years before they are eligible for parole. The first two “strikes” must be felonies, but the third “strike” need not.
- California’s “three strikes” law was passed in 1994. The law was signed by the governor in 1994 after the murder of 12-year-old Polly Klaas by career criminal Richard Allen Davis. Later in 1994, 70 percent of California voters supported the law.
- 25 other states have “three strikes” laws, but only California allows the “third strike” to be a non-violent crime.

#### **Discussion Questions**

- How do we decide what punishments are appropriate for particular crimes?
- What is a cruel and unusual punishment?
- What is the purpose of putting people in prison? Are there multiple purposes? Which are more important?
- How has the three strikes law impacted crime rates since it was passed and implemented in California? How has similar legislation worked in other states?
- What effect do harsh punishments have on society?
- Can criminals be rehabilitated? How?
- How do beliefs about rehabilitation influence decisions about punishment for crimes? How do beliefs about deterrence influence decisions about punishment?
- What alternatives to the “three strikes” law are available to fight crime?