

6-5-1996

Grand Theft. Embezzlement. Forgery. Increased Sentences. Bail.

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BILL JONES
Secretary of State
State of California

ELECTIONS DIVISION

(916) 657-2166
1500 - 11th STREET
SACRAMENTO, CA 95814
Voter Registration Hotline
1-800-345-VOTE
For Hearing and Speech Impaired
Only
1-800-833-8683
e-mail: comments@ss.ca.gov

November 19, 1996

#730

TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS AND
PROPONENT (96332)

FROM: 
WALDEEP SINGH
Elections Analyst

Pursuant to Elections Code section 9030(b), you are hereby notified that the total number of signatures to the hereinafter named proposed INITIATIVE STATUTE filed with all county elections officials is less than 100 percent of the number of qualified voters required to find the petition sufficient; therefore, the petition has **failed**.

TITLE: GRAND THEFT. EMBEZZLEMENT. FORGERY.
INCREASED SENTENCES. BAIL.
INITIATIVE STATUTE.

SUMMARY DATE: June 5, 1996

PROPONENT: Donald L. Johnson

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BILL JONES

Secretary of State
 State of California

#730

June 5, 1996

TO ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENT (96192)

Pursuant to Section 336 of the Elections Code, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed Initiative Measure entitled:

GRAND THEFT. EMBEZZLEMENT. FORGERY.
 INCREASED SENTENCES. BAIL.
 INITIATIVE STATUTE.

Circulating and Filing Schedule

1. Minimum number of signatures required433,269
 Cal. Const., Art II, Sec. 8(b).

2. Official Summary Date Wednesday, 06/05/96
 Elec. C., Sec. 336.

3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
 signatures Wednesday, 06/05/96
 Elec. C., Sec. 336.

 - b. Last day Proponent can circulate and file with
 the county. All sections are to be filed at
 the same time within each county. Monday, 11/04/96*
 Elec. C., Secs. 336, 9030(a).

 - c. Last day for county to determine total number of
 signatures affixed to petitions and to transmit total
 to the Secretary of State Friday, 11/15/96
 Elec. C., Sec. 9030(b).

(If the Proponent files the petition with the county on a date prior to 11/04/96, the county has eight working days from the filing of the petition to determine the total number of signatures affixed to the petition and to transmit the total to the Secretary of State.) Elec. C., Sec. 9030(b).

* Date adjusted for official deadline which falls on a Saturday (Election Code Section 15.)

"Ensuring the integrity of California's election process"

d. Secretary of State determines whether the total number of signatures filed with all county clerks meets the minimum number of required signatures, and notifies the counties Sunday, 11/24/96**
Elec. C., Sec. 9030(c).

e. Last day for county to determine total number of qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State Thursday, 01/09/97
Elec. C., Sec. 9030(d), (e).

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 11/24/96, the last day is no later than the thirtieth working day after the county's receipt of notification.)
Elec. C., Sec. 9030(d), (e).

f. If the signature count is more than 476,596 or less than 411,606 then the Secretary of State certifies the petition has qualified or failed, and notifies the counties. If the signature count is between 411,606 and 476,596 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures Sunday, 01/19/97**
Elec. C., Secs. 9030(f), (g); 9031(a).

g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State Wednesday, 03/05/97
Elec. C., Sec. 9031(b), (c).

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 01/19/97, the last day is no later than the thirtieth working day after the county's receipt of notification.)
Elec. C., Sec. 9031(b), (c).

h. Secretary of State certified whether the petition has been signed by the number of qualified voters required to declare the petition sufficient Sunday, 03/09/97**
Elec. C., Secs. 9031(d), 9033.

** Date varies based on receipt of county certification.

GRAND THEFT. EMBEZZLEMENT. FORGERY.
INCREASED SENTENCES. BAIL.
INITIATIVE STATUTE.

June 5, 1996

Page 3

The Proponent of the above-named measure is:

Donald L. Johnson
10834 Golf Links Road
Oakland, CA 94605
(510) 567-9910

5. Important Points:

- (a) California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fund raising or requests for support. Any such misuse constitutes a crime under California law. Elections Code sections 18650; *Bilofsky v. Deukmejian* (1981) 123 Cal.App. 3d 825, 177 Cal.Rptr. 621; 63 Ops. Cal.Atty.Gen.37 (1980).
- (b) Please refer to Elections Code sections 100, 101, 104, 9001, 9008, 9009, 9021, and 9022 for appropriate format and type consideration in printing, typing and otherwise preparing your initiative petition for circulation and signatures. Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- (c) Your attention is directed to the campaign disclosure requirements of the Political Reform Act of 1974, Government Code section 81000 et seq.
- (d) When writing or calling state or county elections officials, provide the official title of the initiative which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- (e) When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- (f) When filing the petition with the county elections official, please provide a blank petition for elections official use.

NOTE TO PROPONENTS WHO WISH TO QUALIFY FOR THE NOVEMBER 5, 1996 GENERAL ELECTION: This initiative must be certified for the ballot 131 days before the election (June 27, 1996). Please remember to time your submissions accordingly. For example, in order to allow the maximum time permitted by law for the random sample verification process, it is suggested that proponents file their petitions to county elections officials by April 19, 1996. If a 100% check of signatures is necessary, it is advised that the petitions be filed by February 28, 1996.

Sincerely,



DEIRDRE AVENT
ELECTIONS ANALYST

Attachment: POLITICAL REFORM ACT OF 1974 REQUIREMENTS

DANIEL E. LUNGREN
Attorney General

State of California
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550
(916) 445-9555

Facsimile: (916) 323-2137
(916) 324-5490

June 5, 1996

FILED
In the office of the Secretary of State
of the State of California

JUN 05 1996

Bill Jones
Secretary of State
1500 - 11th Street
Sacramento, CA 95814

BILL JONES, Secretary of State

By 
Deputy Secretary of State

Re: Initiative Title and Summary
Subject: GRAND THEFT. EMBEZZLEMENT. FORGERY.
INCREASED SENTENCES. BAIL. INITIATIVE STATUTE.
File No: SA 96 RF 0010

Dear Mr. Jones:

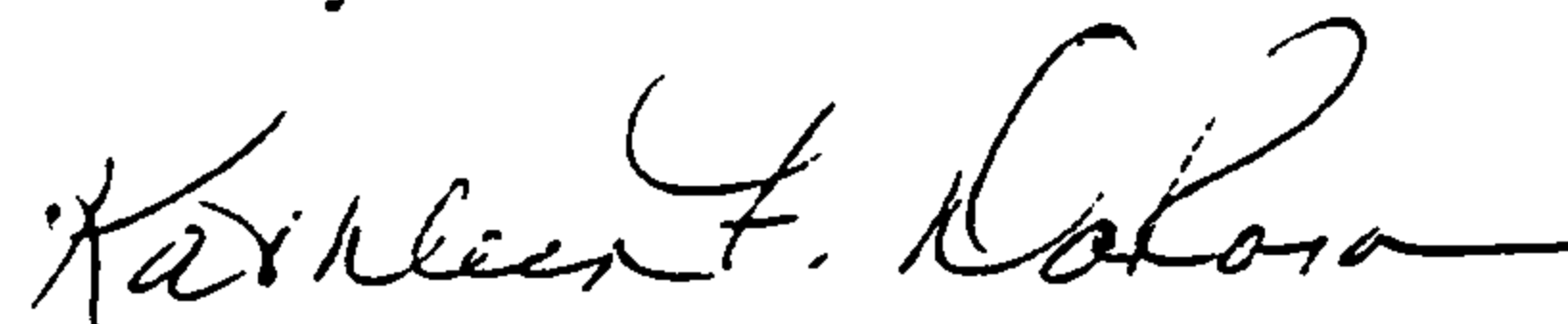
Pursuant to the provisions of sections 9004 and 336 of the Elections Code, you are hereby notified that on this day we mailed to the proponent of the above-identified proposed initiative our title and summary.

Enclosed is a copy of our transmittal letter to the proponent, a copy of our title and summary, a declaration of mailing thereof, and a copy of the proposed measure.

According to information available in our records, the name and address of the proponent is as stated on the declaration of mailing.

Sincerely,

DANIEL E. LUNGREN
Attorney General



KATHLEEN F. DaROSA
Initiative Coordinator

KFD:ms
Enclosures

Date: June 5, 1996
File No: SA96RF0010

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed initiative:

GRAND THEFT. EMBEZZLEMENT. FORGERY. INCREASED SENTENCES. BAIL. INITIATIVE STATUTE. Amends Penal Code to increase sentences for grand theft, embezzlement, and forgery in cases involving dollar losses greater than \$200,000. Sentences would range from 15 to 30 years to life depending upon the dollar loss. Those convicted would be required to serve at least 90 percent of the sentence imposed. Plea bargaining would be forbidden, and bail would be required to be set at an amount no lower than 25 percent of the alleged loss. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: The fiscal effect would probably be minor because few offenders commit financial crimes of the magnitude specified in this measure.

SA96RF0010
Amdt.#1

April 12, 1996

To: Mr. Dan Lungren
Attorney General, State of California

RECEIVED
APR 15 1996

Re: Amendments to proposed initiative No. SA 96 RF 0010

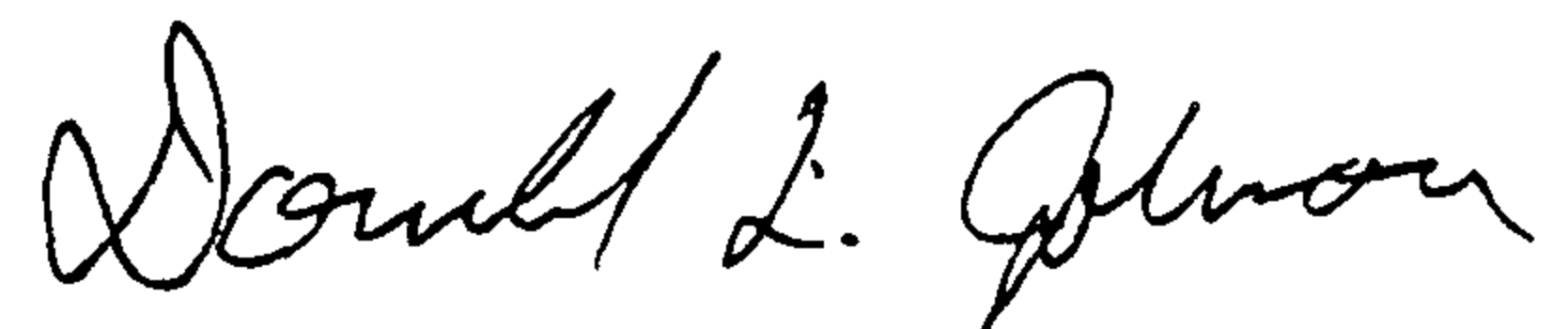
INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Dear Mr. Lungren

I request that the following changes be made to proposed initiative No. SA 96 RF 0010, that was submitted to your office on March 29, 1996.

1. In SECTION 1, (section 186.12). Please delete item #1. Our organization no longer wishes to ask for the death penalty within this initiative.
2. In SECTION 1, (section 186.12) item #2. Please change the dollar amount of one hundred million (\$1,000,000,000) to fifty million (\$50,000,000).
3. In SECTION 1, (section 186.12) item #3. Please also change the dollar amount of one hundred million (\$100,000,000) to fifty million (\$50,000,000).
4. On page 3, in paragraph (c), item #4. Please raise the number of years indicated as the proposed number of years for the statute of limitations from 15 years to 20 years.

I have enclosed a copy of the changes on a copy of the proposed initiative.
Thank you for your help in this matter,



Donald L. Johnson
10834 Golf Links Rd.
Oakland, CA. 94605

April 15, 1996

To: Marge, *Smith*
Initiative Secretary
Attorney General's Office,

Re: Proposed amendments to Initiative No. SA 96 RF 0010

Marge, here is the text (including changes) for No. SA 96 RF 0010.

TO THE HONORABLE SECRETARY OF STATE OF CALIFORNIA

We, the undersigned, registered, qualified voters of California, residents of _____ County (or City and County), hereby propose a statute, relating to white collar crime, and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding general election or at any special statewide election held prior to that general election or otherwise provided by law. The proposed statute reads as follows:

Section 1. Section 186.12 is added to the Penal Code, to read:

186.12. (a) Notwithstanding any other provision of law, any person convicted of the crime of grand theft, as specified in Section 487, embezzlement, as specified in Section 424 or 503, or forgery, as specified in Section 470, where any of the following circumstances are pled and proved, shall be punished as follows:

(1) Where the dollar value of the crime is greater than fifty million dollars (\$50,000,000), with imprisonment in the state prison for 30 years to life.

(2) Where the dollar value of the crime is greater than one million dollars (\$1,000,000) but equal to or less than fifty million dollars (\$50,000,000), with imprisonment in the state prison for 20 years to life.

(3) Where the dollar value of the crime is greater than two hundred thousand dollars (\$200,000) but equal to or less than one million dollars (\$1,000,000),

with imprisonment in the state prison for 15 years to life.

(b) The penalty provided for in paragraph (1) of subdivision (a) shall be determined pursuant to Sections 190.3 and 190.4.

(c) Notwithstanding any other provision, any person subject to this section shall be subject to the following conditions:

(1) The person shall not be eligible for plea bargaining.

(2) The person shall be subject to a minimum bail set at 25 percent of the amount alleged to have been fraudulently obtained.

(3) The person convicted of an offense specified in this section shall be required to serve a minimum of 90 percent of his or her sentence, notwithstanding Article 2.5 (commencing with Section 2930) of Chapter 7 of Title 1 of Part 3.

(4) The statute of limitations for any of the crimes specified in this section, except that specified in paragraph (1) of subdivision (a) is 20 years.

- 0 -

Thanks for your help.



Don Johnson
10834 Golf Links Rd.
Oakland, CA 94605