

Three Strikes reform in the ballpark

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WE have to hand it to District Attorney Steve Cooley for attempting to reform one of the most popular initiative laws in California history.

Los Angeles County's top cop is the name and the muscle behind the proposed Three Strikes Reform Act of 2006.

Unlike previous attempts to retool the landmark legislation, Cooley's version could stand a chance with voters in November.

Current law allows sentencing of 25 years to life for any felony conviction if defendants have two prior convictions (two strikes) for violent or serious crimes.

However, Cooley's proposal would limit the third strike to violent or serious offenses only except where previous convictions were for rape, murder or child molestation.

Seems fair and reasonable to impose the harshest sentencing on the most dangerous among us.

The sensible approach is in line with a 2002 decision by a California federal appeals court that the law could not

be applied in petty theft offenses such as shoplifting.

However, the U.S. Supreme Court in 2003 held that three strikes could apply to someone who stole golf clubs.

With such widely differing legal opinions and the specter of continued court challenges, we'd agree some tweaking of three-strikes is in order.

Cooley's proposal is much more modest than 2004's Proposition 66 that sought to remove certain felonies from the law, including arson, felony drug crimes and residential burglary. It was narrowly defeated at the polls.

Similar initiative proposals have been rejected by the Legislature.

Cooley was an outspoken critic of the measure, saying it would gut three-strikes. Yet he has long championed retooling current law and early on gave his prosecutors the option of applying the strikes law in nonviolent criminal cases.

Proponents of three-strikes say the law is working as intended, taking violent criminals off the street.

Whatever it takes to put repeat offenders behind bars is the basic concept of the law, widely credited with reducing violent crime in California.

Yet, as Cooley has noted, many in the public have a problem with the law that imposes Draconian sentences for petty theft and other minor offenses.

Certainly as a prosecutor, Cooley is well aware that the threat of a third strike has been instrumental in successful plea bargaining, thus assuring a conviction and saving the public the expense of a trial. Yet, it's justice he's after, not necessarily long terms behind bars.

Cooley believes his measure would preserve rather than overturn three strikes and at the same time bring a greater degree of fairness to the law.

Despite Cooley's common sense approach, he has an uphill fight with such formidable opponents as his colleagues in the California District Attorneys Association, who voted last month to oppose the initiative.

Too, he'll have to convince wary voters that the possible resentencing of more than 2,000 third-strikers put away for nonviolent crimes is worth changing the law.

Expect a lot of sloganeering if the measure qualifies. Cooley's sure to be labeled soft on crime. He's not, we know it and applaud his courage in backing a sensible solution to a problem that has vexed the state courts for more than a decade - fitting the punishment to the crime.

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