

Proposition 47 Overview

On November 4, 2014, California voters passed Proposition 47, a law that changes certain low-level crimes like drug possession and petty theft offenses from potential felonies to misdemeanors. This will reduce incarceration costs, and those savings will be invested (via grants) into drug treatment and mental health services for people in the criminal justice system, programs for at-risk students in K-12 schools, and victim services. Individuals who are incarcerated for these offenses can seek a new (shortened) sentence, and individuals previously convicted of these felonies in California can seek to have them reclassified as misdemeanors. Individuals eligible for either resentencing or reclassification under Prop. 47 must file their applications/petitions within three years – by November 5, 2017.

Resentencing Under Prop. 47

The *Resentencing* process is for individuals currently serving a sentence for one of the eligible offenses. This can include serving a sentence in jail or prison, or being on parole, probation, post-release community supervision (PRCS), or mandatory supervision. Prop. 47 is retroactive, meaning people who are currently serving a sentence in jail, prison or on probation or parole for crimes that were changed by Prop. 47 may qualify for resentencing. The process for getting resentenced will vary by county but will usually involve a hearing, and petitioners will generally be represented by an attorney.

Reclassification or Record Change Under Prop. 47

The *Reclassification* process is for individuals who are out of custody and no longer on probation or parole. No matter how old the conviction, you can apply to have it changed from a felony to a misdemeanor on your record (if the conviction was in a California court). Normally the process for reclassifying your record will not involve a hearing. Applicants should work with a lawyer or legal clinic to assist with the process.

Helping Individuals: A Fresh Start Under Prop. 47

Like any new law, multiple government agencies have a responsibility to carry out the law. Superior Courts will ensure that their county complies; law enforcement agencies will modify their booking, arrest and prosecution practices; and defense attorneys will appear on behalf of individuals seeking new sentences. Community-based organizations and legal services providers will play a critical role in outreach and implementation to ensure that individuals eligible under Prop. 47 receive the counsel and support they need to take advantage of this new law. Californians for Safety and Justice is working with state, local and community partners to coordinate these efforts, share information and advance the effective implementation of Prop 47. To learn more, please visit: www.MyProp47.org.