Criminal Justice Act

Be it enacted by the general assembly of the state of Sierra

******Whereas;****** **Justice, and the application and enforcement of justice, should be blind and impartial, but also take into account nuance and individual circumstance;**

******Whereas;****** **The state cannot adequately account for individual nuance by its very nature;**

******Whereas;****** **Justice should be decentralized and simplified wherever possible, except when at the cost of losing intimacy with the individual;**

*****

Title I. Long Title And Contents

(1) SECTION 101: LONG TITLE

>(a) This bill may also be referred to as “Uplifting All Sierrans By Revamping and Revitalizing Sierra’s Insensate Criminal Justice System”.

(1) SECTION 102: DEFINITIONS

>(b) All terms have their definitions given to them by their respective sections of Sierran code.

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Title II. Three Strikes Repeal

(1) SECTION 201: FINDINGS

>(a) The General Assembly of the state of Sierra finds that:

>>(1) Three strikes laws do not lead to a statistically significant decrease in violent crime, the specific area of crime for which they are created to deter;

>>(2) Three strikes laws take sentencing discretion away from the Court of a judge and jury as guaranteed in the Magna Carta, the centerpiece of Anglo-Saxon legal history, and instead place it in the hands of legislators who do not have the same intimacy with regards to individual cases and cannot adequately exercise discretion through the law;

>>(3) Three strikes laws also exist for drug convictions and sentencing, of which existing laws disproportionately harm minority groups; and

>>(4) Sierra has the most draconian three strikes laws of any state, accounting for over 90% of three strikes convictions in 2001. Modern attempts to liberalize the law have had little effect.

(2) SECTION 202: REPEALING THREE STRIKES LAW

>(a) [Sierra Penal Code Section 667](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PEN&division=&title=16.&part=1.&chapter=&article=) is hereby repealed in its entirety.

>(b) [Sierra Penal Code Section 667.1](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PEN&division=&title=16.&part=1.&chapter=&article=) is hereby repealed in its entirety.

>(c) [Sierra Penal Code Section 667.2](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PEN&division=&title=16.&part=1.&chapter=&article=) is hereby repealed in its entirety.

>(d) [Sierra Penal Code Section 667.5](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PEN&division=&title=16.&part=1.&chapter=&article=) is hereby repealed in its entirety.

>(e) [Sierra Penal Code Section 667.51](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PEN&division=&title=16.&part=1.&chapter=&article=) is hereby repealed in its entirety.

>(f) [Sierra Penal Code Section 667.6](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PEN&division=&title=16.&part=1.&chapter=&article=) is hereby repealed in its entirety.

>(g) [Sierra Penal Code Section 667.61](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PEN&division=&title=16.&part=1.&chapter=&article=) is hereby repealed in its entirety.

>(h) [Sierra Penal Code Section 667.7](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PEN&division=&title=16.&part=1.&chapter=&article=) is hereby repealed in its entirety.

>(i) [Sierra Penal Code Section 667.70](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PEN&division=&title=16.&part=1.&chapter=&article=) is hereby repealed in its entirety.

>(j) [Sierra Penal Code Section 667.71](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PEN&division=&title=16.&part=1.&chapter=&article=) is hereby repealed in its entirety.

>(k) [Sierra Penal Code Section 667.75](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PEN&division=&title=16.&part=1.&chapter=&article=) is hereby repealed in its entirety.

>(l) [Sierra Penal Code Section 667.8](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PEN&division=&title=16.&part=1.&chapter=&article=) is hereby repealed in its entirety.

>(m) [Sierra Penal Code Section 667.85](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PEN&division=&title=16.&part=1.&chapter=&article=) is hereby repealed in its entirety.

>(n) [Sierra Penal Code Section 667.9](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PEN&division=&title=16.&part=1.&chapter=&article=) is hereby repealed in its entirety.

>(o) [Sierra Penal Code Section 667.95](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PEN&division=&title=16.&part=1.&chapter=&article=) is hereby repealed in its entirety.

>(p) [Sierra Penal Code Section 667.10](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PEN&division=&title=16.&part=1.&chapter=&article=) is hereby repealed in its entirety.

>(q) [Sierra Penal Code Section 667.15](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PEN&division=&title=16.&part=1.&chapter=&article=) is hereby repealed in its entirety.

>(r) [Sierra Penal Code Section 667.16](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PEN&division=&title=16.&part=1.&chapter=&article=) is hereby repealed in its entirety.

>(s) [Sierra Penal Code Section 667.17](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PEN&division=&title=16.&part=1.&chapter=&article=) is hereby repealed in its entirety.

(3) SECTION 203:PLAIN ENGLISH EXPLANATION

>(a) SECTION 202, and subsections (a) through (s) thereof inclusive, sets out the complete repeal of all existing three strikes statutes, instead deferring criminal prosecution to a judge and

jury, as applicable to the case, in a manner consistent with the Anglo-Saxon common law tradition.

Title III. Abolishing Cash Bail

(1) SECTION 301: FINDINGS

>(a) The General Assembly of the state of Sierra finds that:

>>(1)

(2) SECTION 302: ESTABLISHING THE OFFICE OF PRETRIAL RELEASE

The following is inserted under [Sierra Government Code Title 3 Division 2 Part 3](https://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml?lawCode=GOV&division=2.&title=3.&part=3.&chapter=16.&article=&goUp=Y) as Chapter 17 OFFICE OF PRETRIAL RELEASE, Section 27774.

>(a) For every county government, there hereby exists an office entitled “The Office of Pretrial Release” headed by an officer entitled “The Pretrial Release Officer”.

>(b) The Pretrial Release Officer shall be appointed by the Board Of Supervisors of the county they oversee.

>(c) The Pretrial Release Officer shall be responsible for and faithfully execute:

>>(1) The pretrial release of delinquents, felons, petty criminals, probates, and other criminals who have been deemed to be of low risk in accordance with Chapter 1.5 of Title 10 Part 2 of the Penal Code;

>>(2) The supervision of released delinquents, felons, petty criminals, probates, and other criminals who have been deemed to be of low risk prior to trial; and

>>(3) The successful apprehension of any released delinquents, felons, petty criminals, probates, and other criminals who have been deemed to be of low risk who have gone missing prior to trial.

(3) SECTION 303: ASSESSMENT AND PRE-TRIAL RELEASE OF CRIMINALS

The following is inserted under [Sierra Penal Code Title 10 Part 2](https://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml?lawCode=GOV&division=2.&title=3.&part=3.&chapter=16.&article=&goUp=Y) as Chapter 1.5 ASSESSMENT AND PRE-TRIAL RELEASE OF CRIMINALS, Section 1320.7.

>(a) Immediately upon pre-trial imprisonment of a citizen, including probates and prior criminals and delinquents, the country government shall administer a validated risk assessment test on the arrestee, taking into account the following factors, if applicable:

>>(1) Any prior criminal record;

>>(2) The criminal charge for which the person was arrested;

>>(3) The court attendance record of the person;

>>(4) The mental stability of the person;

>>(5) Any supplemental information reasonably available that directly addresses the arrested person’s risk to public safety or risk of failure to appear in court as required; and

>>(6) In the case of minors and dependents, the person's custody status and the identity of their custodian, if possible.

>(b) The county government shall make any and all effort to keep the administration of risk assessment tests fair and impartial. No county government shall delegate the administration of risk assessment tests to any police officer, prosecutor, district attorney or attorney’s office, or anyone with a background in law enforcement.

>(c) The risk assessment tests shall take the information gleaned in accordance with subsection (a) and place the person into one of 5 categories:

>>(1) no risk,

>>(2) low risk,

>>(3) medium risk,

>>(4) high risk, and

>>(5) unreleasable.

>(d) No risk and low risk individuals shall be released from jail by the country government awaiting trial.

>(e) Medium risk individuals shall be released from jail with necessary precautions, including the use of mandatory tracking technologies, taken to ensure that the individual does not violate any laws and appears in court on schedule.

>(f) High risk individuals shall be released from jail and placed under house arrest, with necessary precautions taken to ensure that they do not violate the arrest and appear in court on schedule.

>(g) Unreleasable individuals shall remain in jail until their court date, at which point they shall be transported to the court with reasonable security precautions taken.

>(h) All released individuals who legally qualify as minors or dependents shall be transferred, if possible, to the custody of their legal guardians.

>>(1) In the eventuality that such a transfer be deemed impossible or detrimental to the health of the minor or dependent, the minor or dependent in question shall be transported to an appropriate institution for minors and dependents awaiting trial.

>(i) The county government may set reasonable additional terms for the release of persons under this section, provided that those terms do not place an unreasonable burden on either the Pretrial Release Officer, the county government, or the individual being released.

>(j) The provisions, intent of provision, or the enforcement or intent of enforcement thereof of any Section under Sierra Code which violates this Title shall be notwithstanding and unenforceable for the purposes of this Title.

(4) SECTION 304: PLAIN ENGLISH EXPLANATION

>(a) Section 302 sets out the establishment of an independent office to oversee the release and supervision of criminals and arrestees released before trial pursuant to this Title.

>(b) Section 303 sets out the establishment of a risk assessment system, ranking arrestees on a 5 point scale based upon their perceived likelihood to violate the terms of their release. It also sets out the basic terms for release of criminals and arrestees based upon their risk assessment ranking. It further details the treatment of minors and dependents under the pretrial release system.

Title IV. Repealing Conjugal Visits

(1) SECTION 401: FINDINGS

>(a) The General Assembly of the state of Sierra finds that:

>>(1) Conjugal visits are intended to provide prisoners with a sense of family, strengthening their ties with the outside world without releasing them into it and reducing recidivism rates;

>>(2) Conjugal visits, by their very nature, are only afforded to prisoners on their best behavior, passing up the criminals who need the program the most, rendering it largely ineffective;

>>(3) Furthermore, there is no evidence that conjugal visits actually reduce recidivism rates to a statistically significant degree;

>>(4) Conjugal visits, despite the best efforts by prison wardens to supply visitors and prisoners with contraceptives or ward off sex entirely, end up with the visitor's spouse engaging in sexual acts with the prisoner; rates of pregnancy, wanted and unwanted, are high; and

>(5) The negative effects of conjugal visits vastly outweigh the supposed, but unrealized, benefits of the program.

(2) SECTION 402: REPEALING CONJUGAL VISITS

>(a) [Sierra Code Regulations Title 15 § 3177](https://casetext.com/regulation/california-code-of-regulations/title-15-crime-prevention-and-corrections/division-3-adult-institutions-programs-and-parole/chapter-1-rules-and-regulations-of-adult-operations-and-programs/subchapter-2-inmate-resources/article-7-visiting/section-3177-family-visiting-overnight) is hereby struck in its entirety.

>(b) The following is inserted under Part 3 of the Sierra Penal Code:

>>Notwithstanding any section under this Title, overnight conjugal visits to inmates by bona-fide immediate and intermediate family members in private units shall not be permitted within the boundaries of the state of Sierra.

(3) SECTION 403: PLAIN ENGLISH EXPLANATION

>(a) Section 402 repeals the regulation establishing overnight conjugal visits with family members for inmates and prevents the reestablishment of the rule.

Title V. Enactment and Severability clause

(a) Severability.—Notwithstanding any other provision of this title, if any provision of this section, or any amendment made by this section, or the application of such provision or amendment to any person or circumstance is held to be invalid, this section and amendments made by this section and the application of such provision or amendment to other persons or circumstances shall not be affected thereby.

(b) This Act shall go into effect 90 days after the successful passage of the act through the Sierran General Assembly.

****Authored and sponsored by:**** Congressman /u/ProgrammaticallySun7 (R)