[MS-0398.027.001.012]

PROP. 115 SUGGESTED ISSUES

1. LARGE CROWD EXPECTED

2. CONTROVERSIAL ISSUE

3. MAJOR PROBLEMS: CONSTITUTIONAL AMENDMENT. RESULT OF FAILURE OF LEGISLATURE AND JUSTICE SYSTEM TO ADDRESS PROBLEMS

4. PROPOSES CHANGES IN CONSSTITUTION (STATE) CODE OF CIVIL PROCEDURE, EVIDENCE CODE AND PENAL CODE. COMMENTS: CHANGES IN SUCH COMPLEX LEGAL AREAS SHOULD BE DONE BY THOSE WITH THE EXPERTISE TO DO SO. LEGISLATORS AND MEMBERS OF THE JUDICIAL SYSTEM MUST TAKE THE BULL BY THE HORNS AND ADDRESS THE CRISIS IN THE CRIMINAL JUSTICE SYSTEM (COSTS, DELAYS,) BALANCING THOSE ISSUES AGAINST THE RIGHTS OF THE ALL CITIZENS AND THE TRAUMA OF THE VICTIMS. IT IS ESSENTIAL THAT WE KEEP THE RESPONSIBILITY OF LAWMAKING, IN THE HANDS OF THOSE CHARGED WITH THAT RESPONSIBILITY. BUT A CONTINUAL FAILURE TO ACT RESULTS IN INITIATIVES SUCH AS THIS ONE THAT CLOUDS THE REAL ISSUES WITH EMOTIONALISM, AND ATTEMPTS A BANDAID APPROACH TO EXTREMELY COMPLEX MATTERS. THERE ARE ASPECTS OF THIS INITIATIVE THAT APPEAR TO BE APPROPRIATE BUT I AM CONCERNED THAT THE MOST BENEFICIAL, AND APPROPRIATE CHANGE WOULD COME AFTER CAREFUL ANALYSIS AND CONSIDERATION OF THESE ISSUES INDIVIDUALLY.

4. TITLE: CRIME VICTIM'S JUSTICE REFORM ACT. THE TITLE IN IT'S NARROW FOCUS CONCERNS ME. I SEE THAT AS AN APPEAL TO EMOTIONALISM--EXPLOITATION. A CRIMINAL ACT IS A CRIME AGAINST THE STATE, AGAINST SOCIETY...WE ARE ALL VICTIMIZED BY CRIME. I DON'T MINIMIZE THE PERSONAL TRAUMA, IMPACT ON THE INDIVIDUAL CITIZEN...BUT WE MUST KEEP A VIEW OF THE LARGER PICTURE AS WE SEEK RESOLUTIONS TO OUR PROBLEMS.

5. FISCAL: THE FACT THAT THERE IS SO MUCH UNCERTAINTY AS TO THE FISCAL IMPACT IS SIGNIFICANT. IT IS UNRESPONSIBLE FOR LEGISLATORS AT ALL LEVELS OF GOVERNMENT TO ACT WITH SUCH UNCERTAINTY OF FISCAL CONSEQUENCES....IT IS NO LESS UNRESPONSIBLE TO ASK THE VOTERS TO MAKE A DECISION EFFECTING THE CONSTITUION OF THIS STATE WITHOUT CLEAR INDICATIONS OF THE FISCAL IMPACT AND WITH SO LITTLE UNDERSTANDING OF THE LEGAL IMPACT.

RECOMMENDATION: OPPOSE