

Measure P372

INSTRUCTIONS:

Please carefully read the following description of a ballot measure that was written by a disinterested expert. Feel free to take notes or outline passages as you read.

This should take approximately 10 minutes.

BALLOT MEASURE P372

BACKGROUND

Anti-Drug Programs. The state and local governments operate many programs designed to reduce the use of illegal drugs. These programs include law enforcement, education and prevention, treatment, and research. In 1989-90, the state spent more than \$1 billion in state and federal funds for these programs. The amount spent by local governments for these programs is unknown, but is probably close to \$2 billion.

State Tax Laws. Most of the programs funded by the state are supported by the state's General Fund. The General Fund receives money from a number of sources, including personal income taxes, bank and corporation taxes, and sales taxes. The state's personal income and bank and corporation taxes are substantially similar to federal tax laws. Legislation enacted after this measure qualified for the November ballot brought these California tax laws into closer conformity to federal tax laws.

State Prisons. The state prison system is currently overcrowded. In July 1990, the prison system was designed to house about 51,000 inmates; however, it housed about 90,000 inmates, an overcrowding level of 76 percent. To address this overcrowding, the state has spent approximately \$3 billion since 1981 to expand prison capacity. Plans for further expansion of the prison system, estimated to cost about \$4 billion, would provide capacity for a total of 114,000 inmates by 1995. At that time, the inmate population is projected to be 153,000. This would result in an overcrowding level of 34 percent.

Proposition P366. In June 1990, the voters enacted Proposition P366, which specifies that the California Constitution shall not be construed by the courts to afford greater rights to criminal defendants, including minors, than those afforded by the Constitution of the United States. These rights include the right to privacy.

PROPOSAL

In summary, this measure:

- Contains provisions which were intended to increase personal income and bank and corporation taxes by bringing California's tax laws into closer conformity with federal law.

These provisions would duplicate those already enacted by the Legislature and as a result would not produce additional state revenue.

- Contains provisions which were intended to allocate \$1.9 billion from the new Anti-Drug Superfund for various anti-drug programs over an eight-year period. However, the measure may actually allocate only \$1.2 billion for these purposes.
- Authorizes 'the state to sell \$740 million in general obligation bonds for the construction of new correctional facilities.

Anti-Drug Funding. The measure contains specific provisions intended to allocate a total of \$1.9 billion from the Anti-Drug Superfund as follows during the eight-year period 1990-91 through 1997-98:

- **Local Law Enforcement.** The measure allocates approximately 54 percent of the funds to county sheriffs' departments and city police departments for law enforcement and crime prevention activities related to illegal drugs.
- **Drug Treatment and Prevention.** The measure allocates approximately 36 percent of the funds to county boards of supervisors for drug treatment and prevention programs, probation supervision of offenders with drug-related problems, and prosecution of drug offenders.
- **CrackDown Task Force Program.** The measure allocates approximately 10 percent of the funds to the state Department of Justice for support of the existing CrackDown Task Force Program (a drug enforcement program operated by the state and local governments).

The measure requires that \$1.2 billion be transferred from the General Fund to the Anti-Drug Superfund during the four-year period of 1990-91 through 1993-94.

In the second four-year period of 1994-95 through 1997-98, the measure requires that transfers be made from the General Fund in amounts equal to the annual Franchise Tax Board estimate of the additional revenues generated by this measure's tax changes. Because the tax changes contained in this measure have already been enacted, it is not clear whether any transfers would be made during this second four-year period. As a result, the total allocations required by the measure may only be \$1.2 billion.

The measure provides that if the transfers are insufficient to fund the specified allocations, the allocations will be reduced proportionately.

The measure does not provide for continued funding for these programs after 1997-98. The measure requires that funds provided for these activities not be used to replace existing funds for these programs.

Prison Construction Bonds. The measure authorizes the state to sell \$740 million of general obligation bonds to provide for the construction and remodeling of correctional facilities. General obligation bonds are backed by the state, meaning that the state is obligated to pay the principal and interest costs on these bonds. These revenues come primarily from the state personal income and corporate taxes and the state sales tax.

The \$740 million in bond funds would be used as follows:

- \$306 million for the construction or remodeling of prisons. This would provide space for an additional 8,000 inmates.
- \$434 million for the construction of confinement and treatment facilities to house 10,000 inmates who would otherwise be housed in county jails. The measure specifies that of this amount, \$264 million would be used to construct facilities to house 6,000 inmates in southern California and \$170 million would be used to construct facilities to house 4,000 inmates in northern California.

Proposition P366. The measure provides that changes enacted by Proposition P366 regarding criminal rights shall not be construed to abridge the right to privacy as it affects reproductive choice.



STOP!

Please go to the online survey, enter the 4-character code for this ballot measure (printed at the top and bottom of this page) and answer the survey questions.