

CALIFORNIA

STATISTICAL INFORMATION

Current Governor: Arnold Schwarzenegger
Term of Office: Nov. 2003 - Jan. 2007

Legislative Term: Jan. - Aug.

Total Inmate Pop.
(As of 5/12/05): 162,392 **White: 29% Black: 29% Latino/a: 36% Other: 6%**

Death Row Pop.
(As of 4/25/05): 644 **White: 255 Black: 229 Latino/a: 121 Other: 29**

EXECUTIONS
Since 1976: 11 **White: 9 Black: 1 Latino/a: 0 Other: 1**
(As of 5/20/05)

Carried out in 2003: 0

Carried out in 2004: 0

Scheduled for 2005: 0
(As of 5/20/05)

INMATES REMOVED FROM DEATH ROW BETWEEN 1973 AND 2004
(does not include those executed by the state or those who died of natural causes) :

Total Number: 137

Sentence/Conviction
overturned (minus
exonerations): 119

Sentence reduced: 15

Exonerations: 3

Other: 0

RELATED STATUTORY PROVISIONS:

Life without Parole: yes

Prohibits the execution of juvenile offenders: yes

Prohibits the execution of mentally retarded offenders: yes

Prohibits the execution of mentally ill offenders: no

CURRENT STATUS OF THE MORATORIUM:

Moratorium: no

Study: no

HISTORY OF LEGISLATION ADDRESSING ABA ISSUES

Moratorium/Study: Current: One bill introduced would place a moratorium on the carrying out of any executions, as specified, until certain criteria are met, or, failing that, until January 1, 2009. Referred to the Committee on Public Safety (AB1121)

Previous Years: None.

Capital Offenses and Procedures:

Current: One bill failed that would have added to the list of special circumstances in which the death penalty can be sought the situation in which the defendant intentionally killed the victim who was under 14 years of age, and the defendant knew, or reasonably should have known that the victim was under 14 years of age. (SB817)

Previous Years: None.

Aggravating and Mitigating Circumstances:

Current: None.

Previous Years: None.

DNA Testing and Preservation of Material Evidence:

Current: 2005: One bill failed that related to certain findings made related to a person's innocence. Required the Department of Justice to destroy a DNA sample or specimen, and expunge the records relating thereto (AB851). Another bill was introduced that would provide that governmental entities are required to retain all biological material that is secured in connection with any felony criminal case and any misdemeanor sex offense case. (SB129)

Previous Years: 2004: One bill failed sine die which would have authorized a defendant or specified person to petition the court for an order directing the appropriate law enforcement or prosecutorial agency to compare biological evidence from a crime scene against DNA databank profiles. Provided that if the result of DNA testing does not identify the person requesting the testing or the victim, the court would be required to vacate the judgment (SB1900) 2003: One bill failed that specified that a continuance may be granted when the DNA evidence at issue is pending analysis at a laboratory (AB155).

Crime Labs and Medical Examiner Offices:

Current: None.

Previous Years: None.

Counsel Qualifications, Training, and Competency:

Current: 2005: One bill failed that would have provided mandatory competency standards for the appointment of counsel in death penalty direct appeals and habeas corpus proceedings shall require appointed counsel to be a member in good standing of the State Bar, have at least 3 years' experience in the practice of criminal law, and have participated in at least 5 felony jury trials, 5 felony appeals, 5 capital postconviction evidentiary hearings, or a combination of 5 of those proceedings (SB378).

Previous Years: None.

Counsel Compensation:

Current: None.

Previous Years: 1997: One bill passed that approved a state Capital Habeas Resource Center and raised fees for court appointed counsel in capital appeals.

Judges and Juries: Current: None.

Previous Years: None.

Racial and Ethnic

Minorities: Current: None.

Previous Years: None.

Juvenile Offenders: Current: None.

Previous Years: 1998: One bill died that would have extended the death penalty to offenders who were 16 and 17 years old at the time of their offense.

Mental Retardation, Current: None.

Mental Disability and
Mental Competency:

Previous Years: 2003: One bill introduced defines the term "mentally retarded" for purposes of the death penalty, and provides that a defendant may apply for an order directing that a mental retardation hearing be held. Once the defendant has presented evidence of mental retardation, the prosecution shall have the burden of proving that the defendant is not mentally retarded (SB3). Another bill introduced provides that those who are found to be mentally retarded are to be sentenced to life imprisonment rather than death (SB51). 2001-02 : One bill died that would have prohibited the death penalty for mentally retarded defendants (AB1512).

Special Notes: 2004 : Bill Introduced-read second time and amended to third reading-that establishes the California Commission on the Fair Administration of Justice to study and review the administration of justice (SR44).

STATE AND LOCAL GOVERNMENTS AND LEGAL ORGANIZATIONS THAT HAVE PASSED MORATORIUM RESOLUTIONS

Asian American Bar Association
Asian Law Caucus (San Francisco)
Alameda County
Alameda County Public Defenders Association
Berkeley
Beverly Hills Bar Association
California Bar Association, Conference of Delegates, September 30, 2000
County of Santa Clara, October 30, 2001
City and County of San Francisco
City of Berkeley
City of Oakland
City of Menlo Park
City of Santa Cruz
Criminal Courts Bar Association
Culver Marina Bar Association
East Palo Alto
Los Angeles County Bar Association
Los Angeles County Public Defenders Association
Marin County
Menlo Park
Oakland
Palo Alto
Portola Valley
Salinas
Santa Monica
San Diego Criminal Defense Bar Association
San Francisco Bar Association
Sebastopol

Ursuline Western Province (Santa Rosa)
Valley Oak Park
West Hollywood

****Last Updated on August 28, 2005**