

## 'NATURAL LIFE'

An Advocacy by Steven King Ainsworth

I am a poor white man, with over 50 years behind bars in various types of confinement facilities including: U.S. Army stockades; a Marine Corps brig; city and county jails and California state prisons. I just celebrated my 42<sup>ND</sup> anniversary of straight incarceration in May 2021. In that span, I spent 22 years on Death Row at San Quentin; 11 years at CSP/Sac (New Folsom) and the last eight years here at R.J. Donovan Correctional Facility. I am not a 3<sup>RD</sup> Stricker but have served two prison terms in California's prison system. Following the reversal of my death sentence in 1998 I was resentenced to Life with out Parole (death by imprisonment). I offer these experiences as my bona fides for the following position.

I do not believe any human being should be subject to a sentence of incarceration that exceeds a human life span. No criminal sanction should result in confinement past a person's 100<sup>TH</sup> birthday. No sentence (s) should be imposed that cause this milestone in life to be surpassed; or that does not include the eligibility of parole (rehabilitation and redemption). Nor, do I believe in capital punishment or support life in prison without parole (death by imprisonment).

Every prisoner must have hope. Realistic hope, that if she or he reforms themselves; makes amends to those they have harmed; recognizes the error in their ways; and reaches the point of suitability where they are no longer a threat to themselves or others, will be released into society with the aid, assistance and supervision necessary to ensure the safety of the public.

In order for this to happen. There must be a Board of Parole Hearings that is not subject to the whim and caprice of political pressure and are able to determine 'the point' of optimum success in a persons term in which he or she can be safely returned to society. A determination not subject to political review (Executive action), or reactive legislation based on crimes of the moment and public outcry. A Board who's mission is parole not retention.

With the introduction of several legislative bills to reform California's Penal Code and criminal sentencing that require a  $\frac{2}{3}$  majority vote in both the Assembly and Senate I suggest that our representatives go whole hog and scrap the current Penal Code. Abolish the Death Penalty and Life Without Parole ... repeal the Three Strikes law and end all enhancements an alternative sentences.

If they have a 2/3 majority to do it... Do It! Really end the piecemeal approach and start anew.

I suggest and advocate a sentence of one year to natural life for all violent crimes with eligibility for parole after 7 years.

A natural life will be defined as one hundred years of life, and no offender will be sentenced to a term that surpasses their 100<sup>th</sup> year of life for any single crime or a congregate of crimes.

A violent crime will be defined as a crime in which a human being is physically injured or killed. All other felonies will be classified as serious or simple felonies. A threat of violence is not a violent crime. However, it is a very serious crime.

Serious and simple felonies will be punished by a determinate sentence of imprisonment that does not exceed the offenders 100<sup>th</sup> year of life. Such determinate terms will be based on current base terms enumerated for non-violent crimes. There will be no enhancements of sentences now or in the future.

Any alternate sentences will only be permitted in diversion sentencing in lieu of imprisonment. There should be no alternative sentencing that increases a term of confinement.

A determinate sentence (flat time) will no longer be a free ride with automatic release. All non-violent offenders will be subject to a public safety determination before they are released. If they appear to be a threat to public safety they shall be subject to continued monitoring for a minimum of 6 months to 3 years with periodic review of the need to be monitored. This monitoring function will be similar in nature to a probationary period following release.

Additionally, any sentence for a simple or serious offense that exceeds seven years in itself, or in congregate will be subject to periodic review for possible recall of commitment and resentencing for purposes of early release based on the offenders prison behavior and rehabilitative factors. These periodic reviews will be conducted by a public safety committee who will also review all non-violent offenders.

To accomplish this new mode of rehabilitation and release we must have a prison system which provides the means for all offenders to reach the point of suitability for release. The prison system's mission must be to focus on rehabilitation not punishment. There will be no more warehousing of human beings.

Ideally, no prison will exceed its design capacity, or

better yet, not house more than one person per cell.

Lastly, the policies on restitution collection must be changed. The current rate of 55% of any income is not only punitive, it is oppressive and extortionate. It needs to be reduced to the original setting at 22% at most.

With these changes the onus for freedom will be on the offender's ability to reform themselves and prove that they are not a risk to public safety and suitable for release into free society.

All of these changes will be retroactively applied to all current prisoners, parolees and probationers whose sentences would be impacted following the enactment of such laws to accomplish these goals.

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