

Summary of
“The Three Strikes Reform Act of 2010”

Provides for an automatic 25-years-to-life sentence for anyone convicted of a **serious** or **violent** third strike.

Persons serving time for a 2nd Strike offense will **not** be eligible for re-sentencing.

Persons whose 3rd strikes are **not** eligible for re-sentencing are as follows:

1. Persons with offenses that include murder, rape, or child molestation.
2. Persons whose offenses include major drug trafficking of one kilogram plus (2.2 lbs or more,) or the manufacture, compounding, producing, or conversion of 1 lb or more of controlled substances.
3. Current sex offenses requiring registration.
4. In the commission of the current offense the person:
 - a) was armed with a firearm or deadly weapon
 - b) used a firearm or a deadly weapon
 - c) committed an act intended to cause great bodily harm or injury.

RE-SENTENCING OF QUALIFIED INDIVIDUAL

Persons whose 3rd strikes are non-serious / non-violent **will** be eligible for re-sentencing. They will be re-sentenced at twice the term otherwise provided for their particular offense, rather than the mandated minimum 25-years-to-life sentence they are currently serving.

All Persons who meets the requirements for re-sentencing, whether convicted by trial or plea, of a felony or felonies that are not defined as serious and/or violent felonies may file a petition for writ of habeas corpus, within three years after the effective date of this act, to request re-sentencing.

A Persons who meets the requirements for re-sentencing may request appointment of counsel by sending to the sentencing court a written request for representation by counsel to prepare a petition for purposes of re-sentencing.

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