



United States Senate

WASHINGTON, DC 20510-0504

<http://feinstein.senate.gov>

February 24, 2004

The Honorable Marco Firebaugh
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0050

Dear Assembly Member Firebaugh:

I write in support of A.B. 1432, a bill that changes current double jeopardy claims raised by individuals who are charged with having violated California criminal laws. A.B. 1432 would allow prosecutors in California to prosecute an individual who has violated California law even if another country has held a trial on the same charge. This law is needed and I hope that it is passed quickly.

Currently under the California Penal Code, if an individual commits a crime that violates California law and is prosecuted outside the United States for that crime, California cannot prosecute him for that crime. This is not fair because people who violate California law should be held accountable in California. This problem is exacerbated because of the number of accused felons who flee to Mexico and cannot be extradited.

In October 2001, the Mexican Supreme Court ruled that imposition of a sentence of life imprisonment is a violation of the Mexican constitution. Because this ruling extends to extradition treaties, it is virtually impossible to extradite a suspect from Mexico if that suspect will face life in prison. The result is that serious felons are able escape just punishment by fleeing to Mexico.

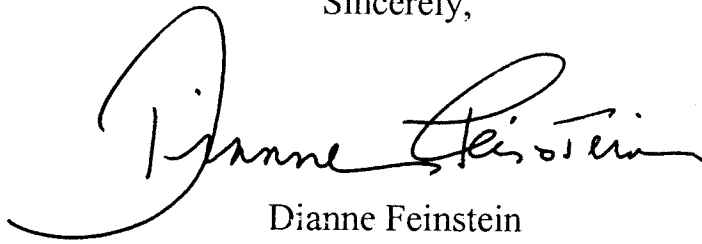
I am informed by prosecutors in California that there are as many as 350 people who have committed murder and other serious crimes in California who have not been extradited from Mexico. I have also learned that even if Mexican prosecutors try these felons in Mexico, the sentences are substantially shorter than the sentences the individuals would likely

serve if convicted in California for crimes such as murder. And under the current penal code, California would not get a chance to prosecute the accused felon if he returns to California following his trial in Mexico.

A.B. 1432 recognizes that an offender does deserve credit for any period of incarceration he serves if he is prosecuted outside the United States and then in California for the same act. This makes sense because an offender should not receive additional prison time simply because he has been tried in two different jurisdictions.

I believe that A.B. 1432 is a modest piece of legislation that is needed to ensure fairness and equity in California's justice system. Please contact me if I can provide any further assistance regarding this legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Dianne Feinstein". The signature is fluid and cursive, with a large initial "D" and a long, sweeping underline.

Dianne Feinstein
United States Senator