

September 19, 2014

The Honorable Jerry Brown  
Governor, State of California  
State Capitol, First Floor  
Sacramento, CA 95814

**RE: URGE IMMEDIATE SIGNATURE OF SB 930 (Berryhill)**

Dear Governor Brown:

On September 18, 2014, my office formally charged Wayne Allen Huntsman with Arson in violation of Penal Code § 451(c), a felony, with the Special Allegations of Arson with Aggravating Factors and Prior Offenses – Eligibility for Probation. The “King Fire” was started on Saturday, September 13, 2014. In the last six days tens of thousands of acres of forest land have been destroyed and fire suppression efforts are estimated at \$5 million dollars per day.

On January 1, 2014, a portion of Penal Code § 451.5 was permitted to sunset. SB 930, which passed out of the legislature on August 25, 2014, would reenact and extend the sunset date from January 1, 2014 to January 1, 2019, the provisions of the “aggravated arson” statute, and increase the amount of damage required for prosecution under these provisions from \$6.5 million to \$7 million to reflect inflation since the statute was last updated in 2009. Under this provision, which lapsed on January 1, 2014, a person convicted of aggravated arson, which includes arson causing \$7 million in damages (including fire suppression costs), is subject to a penalty of 10 years to life in prison.

To be clear, due to the constitutional prohibition against *ex post facto* laws, a person who commits arson is only subject to the penalties that are in place at the time that the offense is committed. Thus, the portion of the law that was permitted to sunset, specifically that suppression costs may be included in damage calculations, will not apply to the King Fire arson case.

The bill contains an urgency clause, so its provisions will take effect immediately upon your signature. Given that we in California are in the fourth year of a severe drought and in the midst of fire season, I respectfully request your immediate signature for SB 930.

Sincerely,

VERN PIERSON  
District Attorney

VP:nva  
Cc: Senator Tom Berryhill

Bcc: Senator Joel Anderson  
Senator Ted Gaines  
Senator Jim Nielsen  
Assemblyman Frank Bigelow