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**SUBJECT:** Adopt a resolution supporting California Proposition 36

**DEPARTMENT:** Police Department

**STAFF:** Tim Herbert, Chief of Police

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### **TITLE/RECOMMENDATION**

Adopt a resolution supporting California Ballot Initiative Proposition 36, The Homelessness, Drug Addiction, and Theft Reduction Act.

### **FISCAL IMPACT**

There is no fiscal impact associated with this action.

### **BACKGROUND**

On November 4, 2014, California voters passed Proposition 47 (Prop. 47), a law that reclassified some felonies to misdemeanors. Prop. 47 reduced the legal consequences of both possession of hard drugs (fentanyl, cocaine, heroin, methamphetamine, and phencyclidine) and property crimes, except for persons with certain prior convictions. Many believe that the results of Prop. 47 have included significant increases in drug addiction, mental illness, and property crimes, including retail theft committed by addicts to support their habit and organized retail theft groups. Prop. 47 also allows people who have qualifying felony convictions in their past to petition to reclassify those convictions to misdemeanors.

As stated in the Homelessness, Drug Addiction, and Theft Reduction Act, the purpose and intent of the measure is to reform laws that many believe have increased homelessness, drug addiction, and theft throughout California since Prop 47 passed.

Proposition 36 (Prop. 36) will be on the ballot this November. According to the ballot measure, its proponents state that it will:

- A. Provide drug and mental health treatment for people who are addicted to hard drugs such as fentanyl, cocaine, heroin, and methamphetamine.



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- B. Add fentanyl to existing laws that prohibit the possession of hard drugs while armed with a loaded firearm.
- C. Add fentanyl to existing laws that prohibit the trafficking of large quantities of hard drugs.
- D. Permit judges to use their discretion to sentence drug dealers to state prison instead of county jail when they are convicted of trafficking hard drugs in large quantities or are armed with a firearm while engaging in drug trafficking.
- E. Warn convicted hard drug dealers and manufacturers that they can be charged with murder if they continue to traffic in hard drugs and someone dies as a result.
- F. Reinstate penalties for hard drug dealers whose trafficking kills or seriously injures a drug user.
- G. Increase penalties for people who repeatedly engage in theft.
- H. Add new laws to address the increasing problem of "smash and grab" thefts that result in significant losses and damage or that are committed by multiple thieves working together.

The full text of Prop. 36 is attached for further detail. According to the Legislative Analyst's Office's review of the measure, passage of this proposition would be anticipated to increase state and local criminal justice costs, while reducing the amount the state is required to spend on certain services, such as mental health and drug treatment. The LAO's report is attached for further details on their findings.

Prop. 36 is currently supported by a number of organizations, corporations, and unions. Listed below are just a few of these:

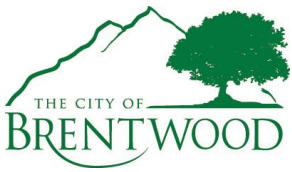
California League of Cities  
California Contract Cities Association

**Corporations:**

Target  
Walgreens  
Walmart, Inc.

**Unions:**

California District Attorneys Association  
California Police Chiefs Association  
California Retailers Association  
California Sheriffs' Association



**CITY COUNCIL STRATEGIC INITIATIVE**

N/A

**PREVIOUS ACTION**

N/A

**DATE OF NOTICE**

N/A

**ENVIRONMENTAL DETERMINATION**

N/A

**ALTERNATIVE OPTION(S)**

As an alternative to the recommendation above, the Council may choose to:

1. Vote to formally not support Proposition 36, or
2. Take no formal action on Proposition 36.

**ATTACHMENT(S)**

1. Resolution
2. California Proposition 36 (23-0017), The Homelessness, Drug Addiction and Theft Reduction Act proposed proposition
3. Legislative Analyst's Office Report on Proposition 36