



City Council Memorandum

City of Arts & Innovation

TO: HONORABLE MAYOR AND CITY COUNCIL **DATE: AUGUST 6, 2024**

FROM: POLICE DEPARTMENT **WARDS: ALL**

SUBJECT: OVERVIEW OF BALLOT MEASURE PROPOSITION 36 – THE HOMELESSNESS, DRUG ADDICTION, AND THEFT REDUCTION ACT.

ISSUE:

Receive an overview of ballot measure Proposition 36 – The Homelessness, Drug Addiction, and Theft Reduction Act.

RECOMMENDATIONS:

That the City Council:

1. Receive an overview of ballot measure Proposition 36 – The Homelessness, Drug Addiction, and Theft Reduction Act; and
2. Discuss and direct staff on a City position on ballot measure Proposition 36 - The Homelessness, Drug Addiction, and Theft Reduction Act.

BACKGROUND:

On April 23, 2024, City Council received an overview of the legislative process; reaffirmed the 2023-2024 Legislative Platform; and motioned to introduce resolutions (a) supporting AB 1772 – Ramos’ bill on theft and (b) opposing AB 2042 - Jackson’s bill on police canine standards and training. Councilmember Perry also requested staff to report to City Council when The Homelessness, Drug Addiction and Theft Reduction Act qualified for the November 2024 ballot for City Council to take a position.

On June 27, 2024, the Secretary of State officially qualified The Homelessness, Drug Addiction and Theft Reduction Act for the November 2024 ballot. It is ballot measure Proposition 36.

DISCUSSION:

In 2014, California voters approved Proposition 47, by a vote of 59.61% to 40.39%. Proposition 47 classified certain crimes as misdemeanors instead of felonies unless the defendant had prior convictions for murder, rape, certain sex offenses, or certain gun crimes; allowed resentencing for those currently serving a prison sentence for any of the offenses that the initiative reduced to

misdemeanors; and created the Safe Neighborhoods and Schools Fund to receive appropriations based on savings from the initiative.

The measure required misdemeanor sentencing instead of felony sentencing for the following crimes:

- Shoplifting, where the value of the stolen property does not exceed \$950;
- Grand theft, where the value of the stolen property does not exceed \$950;
- Receiving stolen property, where the value of the property does not exceed \$950;
- Forgery, where the value of forged check, bond or bill does not exceed \$950;
- Fraud, where the value of the fraudulent check, draft or order does not exceed \$950;
- Writing a bad check, where the value of the check does not exceed \$950; and
- Personal use of most illegal drugs.

Proposition 47 achieved notable success in making California's criminal justice system more equitable, however, it led to unintended consequences over the past decade. Since the passage of Proposition 47, homelessness in California has increased by 51%, while during the same time period in the rest of the country, it has declined by 11%. Proposition 47 reduced the legal consequences of both possession of hard drugs (fentanyl, cocaine, heroin, methamphetamine, and phencyclidine), and theft. The result has been substantial increases in drug addiction, mental illness, and property crimes, including retail theft.

Proposition 36 – The Homelessness, Drug Addiction, and Theft Reduction Act, seeks targeted reforms to Proposition 47. This measure will:

- Provide drug and mental health treatment for people who are addicted to hard drugs such as fentanyl, cocaine, heroin, and methamphetamine.
- Add fentanyl to existing laws that prohibit the possession of hard drugs while armed with a loaded firearm.
- Add fentanyl to existing laws that prohibit the trafficking of large quantities of hard drugs.
- 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.
- 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.
- Reinstate penalties for hard drug dealers whose trafficking kills or seriously injures a drug user.
- Increase penalties for people who repeatedly engage in theft.
- 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.

FISCAL IMPACT:

There is no fiscal impact associated with this action.

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