



City Council Staff Report

Subject: Resolution in Support of Proposition 36

Date: September 24, 2024

Submitted By: Elizabeth Sorg, Management Analyst

Department: City Manager's Office

Recommendation:

Adopt a Resolution of the City Council of the City of Rocklin Supporting Proposition 36 - the Drug and Theft Crime Penalties and Treatment-Mandated Felonies Initiative.

Background:

Proposition 36, the Drug and Theft Crime Penalties and Treatment-Mandated Felonies Initiative will be on the November 2024 statewide ballot. This measure would amend state laws to (1) create a new court process for certain drug possession crimes, (2) require a warning of future criminal liability for people convicted of drug distribution, (3) increase penalties for certain drug crimes, and (4) increase penalties for certain theft crimes. Some of these changes would undo certain reductions in punishment enacted by Proposition 47. Ultimately the measure would make changes to current laws when it comes to addressing rampant retail theft or the growing epidemic of fentanyl overdoses.

In November 2014, California voters passed Proposition 47, which reduced the charges for nonviolent property crime to misdemeanors if they were under \$950. It also changed some drug possession charges from felonies to misdemeanors. As a result, many jurisdictions have seen increases in retail theft, particularly organized retail theft. Proposition 36 will roll back some of these changes from Prop 47 and increase charges for repeat offenders.

Key proposals in Prop 36 include:

- **Drug and Mental Health Treatment:** Mandates treatment for drug addiction with enforceable legal consequences for non-compliance, aiming to support recovery.
- **Tougher Laws on Drug Dealing:** Proposes increased penalties for drug dealers, especially those involved with fentanyl and other hard drugs, with provisions for murder charges if trafficking leads to death.
- **Revising Theft Penalties:** Reintroduces harsher penalties for repeat theft offenses, target "smash and grab" crimes, and allows for the aggregation of theft values to elevate charges to felonies.

The initiative would also increase penalties for certain drug crimes by increasing sentence lengths and level of crime. The initiative would add fentanyl to the list of drugs (cocaine,

heroin, and methamphetamine) that would warrant a felony charge if an individual possessed one of the listed drugs and a loaded firearm. The punishment for this crime is up to four years in prison. Currently, possessing fentanyl and a loaded firearm is punishable by up to one year in jail.

Furthermore, the initiative would increase sentences based on the quantity of certain drugs sold illegally. The initiative would require individuals who receive increased sentences because of this to serve their entire sentence in state prison instead of county jail regardless of their criminal history.

In addition, the proposed ballot measure will:

- Hold those who are committing repeated retail theft and fentanyl sales crimes accountable for the safety and health of our communities.
- Create accountability for repeat smash and grab offenders who are driving up costs for all Californians and chasing retailers out of the state.
- Bring back incentives and accountability that are needed for individuals to get into necessary drug treatment and job training programs — helping them begin new lives. Currently those arrested multiple times for hard drug use currently have no incentive to choose treatment, with no consequences.

A "yes" vote supports making changes to Proposition 47 approved in 2014, including:

- Classifying certain drug offenses as treatment-mandated felonies.
- Increasing penalties for certain drug crimes by increasing sentence lengths and level of crime.
- Requiring courts to warn individuals convicted of distributing illegal drugs of their potential future criminal liability if they distribute deadly drugs like fentanyl, heroin, cocaine, and methamphetamine; and
- Increasing sentences for theft based on the value of the property stolen.

A "no" vote opposes this initiative that makes changes to Proposition 47, thereby maintaining the status quo with certain drug and theft crimes as misdemeanors.

Support for Proposition 36 is in alignment with the City's adopted Legislative Platform under the following sections:

Public Safety

- Support: Legislation that promotes comprehensive and effective drug and alcohol education, intervention, and rehabilitation programs
- Support: Legislative efforts to improve local law enforcement, fire suppression and prevention, hazardous materials mitigation, rescue services, emergency medical services, and disaster preparedness initiatives.

Staff recommends adopting the attached Resolution which supports Proposition 36.

Fiscal Impact:

There is no fiscal impact to the staff recommendation.

ATTACHMENTS:

[1. Resolution](#)