



Administration of Justice Policy Committee

Wednesday, July 31, 2024

11:30 a.m. – 12:30 p.m.

Via Zoom – [Zoom Link to Register](#)

Supervisor Rich Desmond, Sacramento County, Chair

Supervisor Eddie Valero, Tulare County, Vice-Chair

Supervisor Bruno Sabatier, Lake County, Vice-Chair

Agenda

- 11:30 a.m. I. **Open – Welcome and Introductions**
Supervisor Rich Desmond, Sacramento County, Chair
Supervisor Eddie Valero, Tulare County, Vice-Chair
Supervisor Bruno Sabatier, Lake County, Vice-Chair
- 11:35 a.m. II. **Brief Overview of the CSAC Ballot Initiative Process**
Michaela Schunk, CSAC Legislative Analyst
- 11:40 a.m. III. **Proposition 36: Initiative 23-0017A1 (Title: “The Homelessness, Drug Addiction, and Theft Reduction Act”) – ACTION ITEM**
Supervisor Rich Desmond, Sacramento County, Chair
Ryan Morimune, CSAC Senior Legislative Advocate
Lenore Anderson, President of Alliance for Safety and Justice
Thien Ho, District Attorney, Sacramento County
- 12:00 p.m. IV. **Questions and Discussion**
- 12:15 p.m. V. **Closing Comments and Adjournment**
Supervisor Rich Desmond, Sacramento County, Chair
Supervisor Eddie Valero, Tulare County, Vice-Chair
Supervisor Bruno Sabatier, Lake County, Vice-Chair

**CSAC Administration of Justice Policy Committee Meeting – Proposition 36
July 31, 2024**

PROPOSITION 36 – ACTION ITEM

- Attachment 1CSAC Memo – Proposition 36
- Attachment 2 Proposition 36 – List of Recorded Support and
Opposition
- Attachment 3Proposition 36 – Full Text

OTHER ATTACHMENTS

- Attachment 4Attachments to Packet

Attachment One

CSAC Memo – Proposition 36



July 31, 2024

OFFICERS

President

Bruce Gibson
San Luis Obispo County

1st Vice President

Jeff Griffiths
Inyo County

2nd Vice President

Susan Ellenberg
Santa Clara County

Past President

Chuck Washington
Riverside County



CEO

Graham Knaus

TO: Administration of Justice (AOJ) Policy Committee
FROM: Ryan Morimune, CSAC Senior Legislative Advocate
Michaela Schunk, CSAC Legislative Analyst
RE: **ACTION ITEM: Proposition 36**

RECOMMENDATION

Staff recommends the CSAC Administration of Justice (AOJ) policy committee takes **NO POSITION** on **Proposition 36** (Initiative 23-0017A1). CSAC does not take positions on legislative measures that create a new crime or enhance penalties, as explained below. Additionally, CSAC membership will likely be divided on the components of this measure. Expanded reasoning behind the staff recommendation is included further in this memo.

CSAC BALLOT MEASURE REVIEW AND POSITION PROCESS

CSAC policy committees may recommend a position of Support, Oppose, or Neutral on a measure, or may take no position. The policy committee’s recommendation will be considered by the CSAC Executive Committee, and the Executive Committee’s recommendation will be considered by the CSAC Board of Directors. More information regarding CSAC’s policy for consideration of and positioning on statewide initiatives is available in the [Policies and Procedures Manual](#), beginning on page 11.

MEASURE STATUS AND TITLE

This measure was received by the Office of the Attorney General in September 2023 and will appear on the November 5, 2024, General Election Ballot. The proponents filed more than 601,317 valid signatures with the Secretary of State’s Office by the June 2024 deadline, surpassing the signature requirement¹ to go before the voters. Initiatives are often known by many labels or titles, and while this memo will refer to the measure exclusively as Proposition 36, the following is a short list of labels or titles that appear in the media and elsewhere:

- *As Assigned by the Secretary of State’s Office:* Proposition 36
- *Secretary of State’s Title:* Allows Felony Charges and Increases Sentences for Certain Drug and Theft Crimes
- *As Assigned by the Office of the Attorney General:* Initiative 23-0017A1
- *Proponent’s Title:* The Homelessness, Drug Addiction, and Theft Reduction Act

MEASURE SUMMARY

What follows are descriptions of Proposition 36, as provided by the California Secretary of State (SOS) and the proponents of the ballot measure, Californians for Safer Communities. The estimated fiscal impact by

¹ The current initiative signature requirements according to the California Constitution, Article II, Section 8(b) and Elections Code section 9035 are as follows: for an Initiative Statute: 546,651; for an Initiative Constitutional Amendment: 874,641. Learn more: <https://www.sos.ca.gov/elections/ballot-measures/how-qualify-initiative>.

Administration of Justice Policy Committee Meeting

ACTION ITEM: Proposition 36

July 31, 2024

Page 2 of 6

the Legislative Analyst and Director of Finance (DOF) and provided by the SOS² may be found on page 5 under POLICY AND FISCAL CONSIDERATIONS.

California Secretary of State

ALLOWS FELONY CHARGES AND INCREASES SENTENCES FOR CERTAIN DRUG AND THEFT CRIMES. INITIATIVE STATUTE.

Allows felony charges for possessing certain drugs, including fentanyl, and for thefts under \$950—both currently chargeable only as misdemeanors—with two prior drug or two prior theft convictions, as applicable. Defendants who plead guilty to felony drug possession and complete treatment can have charges dismissed. Increases sentences for other specified drug and theft crimes. Increased prison sentences may reduce savings that currently fund mental health and drug treatment programs, K-12 schools, and crime victims; any remaining savings may be used for new felony treatment [programs].

Proponents – Californians for Safer Communities

ADDRESSES ORGANIZED AND SERIAL RETAIL THEFT

Smash-and-grab robberies and retail theft are harming businesses and residents in California because those who commit these crimes know they'll get away with it, even if they're caught. This measure will hold repeat offenders accountable for the safety of our communities, rather than putting them back on the streets.

CONFRONTS THE FENTANYL CRISIS IN OUR COMMUNITIES

The fentanyl crisis has reached alarming levels and is now responsible for 20 percent of youth deaths in California. This measure will define fentanyl as a hard drug, hold individuals convicted of trafficking fentanyl accountable, and grant judges greater discretion in sentencing drug traffickers.

PRIORITIZES MENTAL HEALTH AND DRUG TREATMENT

Breaking the cycle of repeat offenders means addressing the many root causes of retail theft. This measure provides critical mental health, drug treatment services, and job training within our justice system for people who are homeless and suffering from mental illness or struggling with substance abuse.

BACKGROUND

Crime Classification(s)

Crimes generally are classified into one of three categories, from the most to least severe: felonies, misdemeanors, and infractions. There are important subcategories within these classifications, especially in the felony class. Sentencing changes enacted pursuant to 2011 Public Safety Realignment mean that individuals convicted of certain lower-level felonies (described as non-serious, non-violent, non-sex offenses) serve their sentences in county jail. Prior to 2011 Realignment, felony sentences generally were served in state prison.

Proposition 47 (2014)

² Note: this summary and estimate is provided by the Legislative Analyst and Director of Finance. It is available via the following link on the Secretary of State's website: <https://www.sos.ca.gov/elections/ballot-measures/qualified-ballot-measures>.

Administration of Justice Policy Committee Meeting

ACTION ITEM: Proposition 36

July 31, 2024

Page 3 of 6

Proposition 47, approved by voters in 2014, requires misdemeanor rather than felony sentencing for specified low-level property and drug crimes, and permits incarcerated persons previously sentenced for these reclassified crimes to petition for resentencing. State savings from reduced incarceration costs, determined annually by DOF, are deposited yearly in the Safe Neighborhoods and Schools fund established through the measure.

25 percent of the savings is allocated to the California Department of Education to administer grants that reduce truancy, support at-risk students, and improve outcomes; 10 percent is allocated to the Victim Compensation and Government Claims Board Savings to administer grants to trauma recovery centers that provide crime victim services; and 65 percent is allocated to the Board of State and Community Corrections (BSCC) under the Proposition 47 grant program for public agencies delivering mental health services, substance use disorder treatment and diversion programs that reduce recidivism. These grants, which are awarded competitively, may serve both adults and juveniles and can be used for housing-related assistance and other community-based supportive services, including job skills training, case management or civil legal services pursuant to AB 1056 (Chapter 438, Statutes of 2015). The BSCC requires that at least 50 percent of the award made to grantees is passed through to community-based service providers.

According to the BSCC, an evaluation of the BSCC's Proposition 47 grant program "*suggests participants who received services made available by the 2014 voter-approved initiative are substantially less likely to recidivate compared to those traditionally incarcerated in California.*"³ The most recent evaluation, for Cohort II, is linked as the "Proposition 47 Cohort II Statewide Evaluation Report" under MATERIALS AND RESOURCES.

Legislative Responses

Policymakers have engaged in robust conversation about potential changes to Proposition 47, buoyed by alarming incidents of organized retail thefts (often referred to as "smash-and-grabs").

In June 2023, 66 members⁴ of the Legislature requested that the Little Hoover Commission (LHC) research and report on retail theft in California. Then, in late 2023, the California State Assembly's Select Committee on Retail Theft was announced by Speaker Robert Rivas, followed shortly thereafter by the Governor's release of a [framework](#) to address the heightened concern around organized retail theft in January of this year. The Legislature responded in kind, with both the [Assembly](#) and the [Senate](#) unveiling legislative packages aimed at mitigating the public safety, economic, and social impacts of theft. In total, the Assembly and Senate held five hearings on retail theft and fentanyl response. Earlier this month, the LHC published its report, which concluded:

"Looking at available data, the Commission found that, despite a recent uptick, reported retail theft remains at roughly the same level as during the 2010s and lower than it was in earlier decades. Like many crimes, retail theft is undoubtedly underreported, but the report notes that by its nature, the level of underreporting

³ Board of State and Community Corrections. Proposition 47 Grant Program: https://www.bscc.ca.gov/s_bsccprop47/.

⁴ California Legislature Letter Request to Research and Report on Retail Theft in California (June 14, 2023): <https://lhc.ca.gov/wp-content/uploads/LegislativeRequestLetter.pdf>.

Administration of Justice Policy Committee Meeting

ACTION ITEM: Proposition 36

July 31, 2024

Page 4 of 6

is difficult to measure. The Commission concluded that more detailed crime data is needed for policymakers to craft an evidence-based response.”⁵

STAFF COMMENTS

While in recent years, retail theft, property crimes, and opioid and fentanyl use have been statewide priorities, strategies on how to best address these issues have varied and opinions are divided. CSAC’s diverse membership is no different, as supervisors are divided on this measure. There are boards of supervisors, and individual supervisors, who are inclined to support the initiative with recognition that there must be immediate policy changes. Many believe that establishing harsher penalties will provide greater incentives for law enforcement to arrest individuals committing crimes, provide additional tools for prosecutors to attain convictions – which in turn will reduce homelessness, drug use, and retail theft. Conversely, other county boards of supervisors and individual supervisors are inclined to oppose with concerns around the overall public safety and fiscal impacts of the measure, citing existing prosecutorial authority and reinforcing relatively low crime rates in recent years. Reasonable minds can – and do – differ on the relative merits of these policy changes.

RECORDED SUPPORT AND OPPOSITION

Recorded Support

Proposition 36 has support from a broad coalition. The main proponent is [Californians for Safer Communities](#)⁶, led by support from district attorneys, large retailers, elected officials, small business owners, law enforcement agencies, veterans, and trade associations. For a list of financial supporters see the [SOS’ Campaign Finance Activity Propositions & Ballot Measures](#) page.

- [Argument in Favor of Proposition 36](#)⁷
- [Rebuttal to Argument Against Proposition 36](#)

Recorded Opposition

Generally, opposition to Proposition 36 comes from those in favor of existing law. Governor Gavin Newsom, Senate President Pro Tem Mike McGuire, and Speaker Robert Rivas led efforts in developing alternatives to Proposition 36 through their legislative package as well as a potential [competing ballot measure](#) that ultimately did not move forward. Proposition 36 will also likely face opposition from various criminal justice reform, human rights, faith-based, and labor organizations, in addition to many current and former legislators and other elected officials that supported Proposition 47 (2014). For a list of financial opponents see the [SOS’ Campaign Finance Activity Propositions & Ballot Measures](#) page.

- [Argument Against Proposition 36](#)
- [Rebuttal to Argument in Favor of Proposition 36](#)

⁵ Retail Theft: A Data-Driven Response for California. Report #280. July 2024. Little Hoover Commission. Access at: <https://lhc.ca.gov/report/retail-theft/>.

⁶ See full list of supporters under MATERIALS AND RESOURCES. Note: this information is subject to change.

⁷ The law requires the Secretary of State's Office to place the Official Voter Information Guide on public display for 20 days before publishing and distributing to voters. The public inspection period is from July 23, 2024, through August 12, 2024: <https://www.sos.ca.gov/elections/public-display>.

Administration of Justice Policy Committee Meeting

ACTION ITEM: Proposition 36

July 31, 2024

Page 5 of 6

POLICY AND FISCAL CONSIDERATIONS

At its core, Proposition 36 is an effort to amend portions of Proposition 47. CSAC opposed Proposition 47 in 2014. While the staff recommendation was, as it is now, to take no position, the Board deliberated and decided to oppose the measure. Staff recommendations on ballot measures do not dictate the final association-wide position; the members do. Staff base recommendations on the Board-adopted CSAC Policy Platform.

Consistent with the AOJ platform, generally speaking, CSAC does not weigh-in on legislative or ballot measures that create a new crime or changes to existing penalties for crimes. For example, CSAC did not take a position on the original Three Strikes initiative in the 1990s, nor did CSAC take a position on the Three Strikes reform measure of 2012 (Proposition 36).

However, CSAC opposed the 2000 initiative (Proposition 21) that made it easier to charge juveniles in the adult court based on increased costs.

CSAC Platform

Every legislative session, there are dozens, if not hundreds, of bills that propose to create a new crime or enhance a penalty. CSAC does not take a position on these bills for two primary reasons. First, there is an inherent conflict in the county criminal justice structure, with county responsibilities spanning both the prosecution and defense functions. The very nature of that structure limits CSAC advocacy on these policy matters. Secondly, given the diverse perspectives amongst all 58 counties about the relative benefits of a stricter versus more lenient penalty structure, arriving at a consensus across counties on the appropriateness and effectiveness of reforming Proposition 47 is unlikely. Ultimately, CSAC has no specific policy platform guidance related to sentencing reforms, and it will remain so, unless statewide consensus can be reached.

The estimated fiscal impact of Proposition 36 on state and local governments, by the Legislative Analyst's Office and Department of Finance,⁸ is as follows:

Summary of Estimate by Legislative Analyst and Director of Finance of Fiscal Impact on State and Local Governments

The fiscal estimate indicates increased state criminal justice system costs ranging from several tens of millions of dollars to the low hundreds of millions of dollars annually, primarily due to an increase in the state prison population and state court workload. Some of these costs could be offset by reductions in state spending on local mental health and substance use services, truancy and dropout prevention, and victim services due to requirements in current law. Increased local criminal justice system costs potentially in the tens of millions of dollars annually, primarily due to an increase in local court-related workload and a net increase in the number of people in county jail and under county community supervision.⁹

⁸ Note: this summary and estimate is provided by the Legislative Analyst and Director of Finance. It is available via the following link on the Secretary of State's website: <https://www.sos.ca.gov/elections/ballot-measures/qualified-ballot-measures>.

⁹ Qualified Statewide Ballot Measures, California Secretary of State: <https://www.sos.ca.gov/elections/ballot-measures/qualified-ballot-measures>.

Administration of Justice Policy Committee Meeting

ACTION ITEM: Proposition 36

July 31, 2024

Page 6 of 6

CSAC Membership

As referenced above, and perhaps most importantly, we anticipate that the CSAC membership will be divided on this measure. While we are aware of individual supervisors who have weighed-in on the measure, there are likely others that will be inclined to support or oppose for a variety of reasons.

STAFF CONTACTS

- Ryan Morimune, CSAC Senior Legislative Advocate at rmorimune@counties.org
- Michaela Schunk, CSAC Legislative Analyst, mschunk@counties.org

MATERIALS AND RESOURCES

- [Initiative 23-0017 – “The Homelessness, Drug Addiction, and Theft Reduction Act” Full Text](#)
- [Proposition 36 Coalition – Californians for Safety Communities](#)
- [Governor Newsom: Real Public Safety: A Plan to Fight and Prevent Crime in California](#)
- [Public Policy Institute of California \(PPIC\): Crime Data on Retail Theft and Robberies in California](#)
- [Board of State and Community Corrections \(BSCC\): Proposition 47 Cohort II Statewide Evaluation](#)
- [Judicial Council of California: Proposition 47 FAQs](#)
- [California State Assembly Select Committee on Retail Theft](#)
- [Legislative Analyst’s Office \(LAO\) Review of Proposed Statutory Initiative – October 2023](#)

SECRETARY OF STATE OFFICIAL VOTER INFORMATION GUIDE

- [Ballot Label \(PDF\)](#)
- [Title & Summary \(PDF\)](#)
- [Legislative Analysis \(PDF\)](#)
- [Argument in Favor \(PDF\)](#)
- [Rebuttal to Argument in Favor \(PDF\)](#)
- [Argument Against \(PDF\)](#)
- [Rebuttal to Argument Against \(PDF\)](#)
- [Text of Proposed Law \(PDF\)](#)
- [Summary Information \(PDF\)](#)

Attachment Two

Proposition 36 – Recorded Support and Opposition



OFFICERS

President

Bruce Gibson
San Luis Obispo County

1st Vice President

Jeff Griffiths
Inyo County

2nd Vice President

Susan Ellenberg
Santa Clara County

Past President

Chuck Washington
Riverside County



CEO

Graham Knaus

July 31, 2024

To: CSAC Administration of Justice (AOJ) Policy Committee

From: Ryan Morimune, CSAC Senior Legislative Advocate
Michaela Schunk, CSAC Legislative Analyst

Re: **RECORDED SUPPORT AND OPPOSITION – Proposition 36**

SUPPORT

Proposition 36 has support from a broad coalition. The main proponent is [Californians for Safer Communities](#), led by support from district attorneys, large retailers, elected officials, small business owners, law enforcement agencies, veterans, and trade associations. For a list of financial supporters see the [SOS' Campaign Finance Activity Propositions & Ballot Measures](#) page.

OPPOSITION

Generally, opposition to Proposition 36 comes from those in favor of existing law. Governor Gavin Newsom, Senate President Pro Tem Mike McGuire, and Speaker Robert Rivas led efforts in developing alternatives to Proposition 36 through their legislative package as well as a potential [competing ballot measure](#) that ultimately did not move forward. Proposition 36 will also likely face opposition from various criminal justice reform, human rights, faith-based, and labor organizations, in addition to many current and former legislators and other elected officials that supported Proposition 47 (2014). For a list of financial opponents see the [SOS' Campaign Finance Activity Propositions & Ballot Measures](#) page.

Attachment Three

Proposition 36 – Full Text

BELL, McANDREWS & HILTACHK, LLP

ATTORNEYS AND COUNSELORS AT LAW

455 CAPITOL MALL, SUITE 600

SACRAMENTO, CALIFORNIA 95814

(916) 442-7757

FAX (916) 442-7759

www.bmhlaw.com

September 22, 2023

Anabel Renteria
Initiative Coordinator
Office of the Attorney General
State of California
PO Box 994255
Sacramento, CA 94244-25550

Re: Initiative 23-0017 – Amendment Number One

Dear Initiative Coordinator:

Pursuant to subdivision (b) of Section 9002 of the Elections Code, enclosed please find Amendment #1 to Initiative No. 23-0017, The Homelessness, Drug Addiction, and Theft Reduction Act. The amendments are reasonably germane to the theme, purpose or subject of the initiative measure as originally proposed.

I am the proponent of the measure and request that the Attorney General prepare a circulating title and summary of the measure as provided by law, using the amended language.

Thank you for your time and attention processing my request.

Sincerely,



Thomas W. Hiltachk

THE HOMELESSNESS, DRUG ADDICTION, AND THEFT REDUCTION ACT

SECTION 1. Title

This Act shall be known as The Homelessness, Drug Addiction, and Theft Reduction Act.

SECTION 2. Purposes and Intent

This measure will reform laws that have dramatically increased homelessness, drug addiction, and theft throughout California.

This measure will:

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

SECTION 3. Findings and Declarations

The People of the State of California find and declare as follows:

A. Reducing Homelessness Through Drug and Mental Health Treatment

1. California has reached a tipping point in its homelessness, drug, mental health, and theft crises. Our state has the highest rate of homelessness per capita of any state in the country. And drug overdoses now kill two to three times the number of people in California as car accidents.

2. Since the passage of Proposition 47 in 2014, 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 massive increases in drug addiction, mental illness, and property crimes, including retail theft, committed by addicts to support their addiction. At the same time, California has seen a dramatic decrease in mental health and drug treatment for homeless people due to reduced incentives to participate in treatment. Our homelessness problem is directly connected to these unintended consequences of Proposition 47, which the voters now desire to correct.

3. Progressive states such as New Jersey, Maryland, Illinois, and Michigan have significantly stronger hard drug laws than California, and their homeless rate is 4 to 5 times lower than California's.

4. This proposal takes a modest step in the direction of these states by enacting a new class of crime called a "treatment-mandated felony." Under this new "treatment-mandated felony," prosecutors would have the discretion to charge a felony for hard drug possession after two previous drug convictions. If charged with this "treatment-mandated felony" for a third or subsequent drug offense, the offender would be given the option of participating in drug and mental health treatment. If the offender successfully completes drug and mental health treatment, the charge would be fully expunged, and the offender would receive no jail time. If the offender refuses drug and mental health treatment, they would serve jail time for hard drug possession. For a second conviction of the treatment-mandated felony (the 4th total conviction for hard drug possession), a judge would have the option of imposing time in jail or state prison. Along with hard drug and mental health treatment, offenders charged with a treatment-mandated felony would be offered shelter, job training, and other services designed to break the cycle of addiction and homelessness.

B. Cracking Down on Hard Drug Dealers

1. Fentanyl is the most dangerous drug that our nation has ever seen. Because it is largely produced synthetically, fentanyl is typically cheaper than other hard drugs. As a result, drug dealers now regularly include fentanyl in other drugs such as diet, anxiety, and

sleeping pills, cocaine, and heroin. Further, fentanyl is up to 50 times stronger than heroin. Therefore, a very tiny amount of fentanyl can prove deadly. One kilogram (2.2 pounds) of fentanyl provides enough of the drug to manufacture four to ten million doses, or enough to kill 500,000 people. Finally, because such a small amount of fentanyl is necessary to create addiction, it is easier to smuggle across the border in smaller, yet much more deadly quantities.

2. This Act would authorize greater consequences for hard drug dealers whose trafficking kills or seriously injures a person who uses those drugs, and it would provide a mechanism to 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.

3. This Act would add non-prescription fentanyl to an existing list of hard drugs such as heroin, cocaine, and methamphetamine, for which it is illegal to possess the drug while armed with a loaded firearm.

4. This Act would also add non-prescription fentanyl to an existing list of hard drugs such as heroin, cocaine, and methamphetamine that authorizes greater consequences for drug dealers who sell large quantities of hard drugs.

5. This Act also permits judges to sentence drug dealers who traffic in large quantities of hard drugs or who are armed with a firearm while trafficking in hard drugs to state prison instead of local county jails. Only our state prisons are equipped to manage security for hardened drug dealers and to provide them the rehabilitation services they need to safely re-enter society.

C. Accountability for Repeat Theft and Smash and Grab Thefts

1. Prior to Proposition 47, individuals who repeatedly engaged in theft could be charged with a felony. Prop 47 eliminated this repeat offender felony and instead provided that any theft up to \$950 in value is now a misdemeanor – regardless of how many times the offender has committed theft. In practice, this means that an offender who repeatedly steals up to \$950 in value faces virtually no legal consequences.

2. The result has been an explosion in retail and cargo theft causing stores throughout California to close to protect employees and customers from criminal activity that disrupts the efficient delivery of products directly to consumers and creates billions of dollars in economic losses to our local communities and state. This rapid increase in retail and cargo theft has also contributed to rising inflation, as businesses have been forced to raise prices to account for their economic losses. This retail and cargo theft explosion has collided with the fentanyl epidemic, as hard drug users have engaged in brazen theft to support their drug habits, knowing that there will be no consequences for either their theft or their hard drug use.

3. Under this Act, an offender with two prior convictions for theft can be charged with a felony, regardless of the value of the stolen property. Diversion programs will continue to

exist, meaning that judges will retain discretion not to incarcerate an offender even for more than two theft convictions. But prosecutors will have the ability to bring felony charges against hardened, repeat offenders who continue to engage in theft. Judges will have the discretion to sentence a repeat offender to jail in appropriate cases, or to state prison if an offender is convicted four or more times of theft.

4. This Act also authorizes judges to exercise their discretion to impose an enhanced penalty when an offender steals, damages, or destroys property by acting together with two or more offenders or by causing losses of \$50,000 or more. By permitting discretion in these scenarios, judges will be able to fashion sentences that are appropriate for the crime committed, including so-called "smash and grabs" committed by mobs or large groups of people working together.

5. The value of property stolen in multiple thefts will be permitted to be added together so that in appropriate cases an offender may be charged with felony theft instead of petty theft. This provision addresses the problem of offenders who commit a series of thefts in which the property stolen during each theft has a value under the \$950 felony theft threshold, in order to insulate themselves from felony charges.

6. Along with the hard drug provisions in this Act, these theft law changes will stop the vicious cycle of hard drug users stealing to support their habits without legal consequences for their actions.

SECTION 4. Section 11369 is added to the Health & Safety Code to read:

11369. (a) This section shall be known, and may be cited, as Alexandra's Law.

(b) The court shall advise a person who is convicted of, or who pleads guilty or no contest to, a violation of Section 11351, 11351.5, 11352, 11378, 11378.5, 11379, 11379.5, or 11379.6 involving a hard drug, of the following:

"You are hereby advised that it is extremely dangerous and deadly to human life to illicitly manufacture, distribute, sell, furnish, administer, or give away any drugs in any form, including real or counterfeit drugs or pills. You can kill someone by engaging in such conduct. All drugs and counterfeit pills are dangerous to human life. These substances alone, or mixed, kill human beings in very small doses. If you illicitly manufacture, distribute, sell, furnish administer, or give away any real or counterfeit drugs or pills, and that conduct results in the death of a human being, you could be charged with homicide, up to and including the crime of murder, within the meaning of Section 187 of the Penal Code."

(c) The advisory statement shall be provided to the defendant in writing, either on a plea form if used, as an addendum to a plea form, or at sentencing, and the fact that the advisory was given shall be specified on the record and recorded in the abstract of the conviction.

(d) (1) Except as provided in paragraph (2), as used in this section, "hard drug" means a substance listed in Sections 11054 or 11055, including a substance containing fentanyl, heroin, cocaine, cocaine base, methamphetamine, or phencyclidine, and the analogs of any of these substances as defined in Sections 11400 and 11401.

(2) As used in this section "hard drug" does not include cannabis, cannabis products, peyote, lysergic acid diethylamide (LSD) or other psychedelic drugs such as mescaline and psilocybin (mushrooms), or any other substance listed in subdivisions (d) and (e) of Section 11054, or, with the exception of methamphetamine, any other substance listed in subdivision (d) of Section 11055.

SECTION 5. Section 11370.1 of the Health & Safety Code is amended to read:

11370.1. (a) Notwithstanding Section 11350 or 11377 or any other provision of law, every person who unlawfully possesses any amount of a substance containing cocaine base, a substance containing cocaine, a substance containing heroin, a substance containing methamphetamine, a substance containing fentanyl, a crystalline substance containing phencyclidine, a liquid substance containing phencyclidine, plant material containing phencyclidine, or a hand-rolled cigarette treated with phencyclidine while armed with a loaded, operable firearm is guilty of a felony punishable by imprisonment in the state prison for two, three, or four years.

(b) Subdivision (a) does not apply to any person lawfully possessing fentanyl, including with a valid prescription.

(c) As used in this subdivision (a), "armed with" means having available for immediate offensive or defensive use.

~~(b)~~(d) Any person who is convicted under this section shall be ineligible for diversion or deferred entry of judgment under Chapter 2.5 (commencing with Section 1000) of Title 6 of Part 2 of the Penal Code.

SECTION 6. Section 11370.4 of the Health & Safety Code is amended to read:

11370.4. (a) ~~Any (1) A~~ person convicted of a violation of, or of a conspiracy to violate, Section 11351, 11351.5, or 11352 with respect to a substance containing heroin, cocaine base as specified in paragraph (1) of subdivision (f) of Section 11054, or cocaine as specified in paragraph (6) of subdivision (b) of Section 11055 shall receive an additional state prison term as follows:

~~(1)Where~~

(A) If the substance exceeds one kilogram by weight, the person shall receive an additional term of three years.

~~(2) Where~~

(B) If the substance exceeds four kilograms by weight, the person shall receive an additional term of five years.

~~(3) Where~~

(C) If the substance exceeds 10 kilograms by weight, the person shall receive an additional term of 10 years.

~~(4) Where~~

(D) If the substance exceeds 20 kilograms by weight, the person shall receive an additional term of 15 years.

~~(5) Where~~

(E) If the substance exceeds 40 kilograms by weight, the person shall receive an additional term of 20 years.

~~(6) Where~~

(F) If the substance exceeds 80 kilograms by weight, the person shall receive an additional term of 25 years.

(2) The conspiracy enhancements provided for in this subdivision shall not be imposed unless the trier of fact finds that the defendant conspirator was substantially involved in the planning, direction, execution, or financing of the underlying offense.

(b) ~~Any~~ (1) A person convicted of a violation of, or of conspiracy to violate, Section 11378, 11378.5, 11379, or 11379.5 with respect to a substance containing methamphetamine, amphetamine, phencyclidine (PCP) and its analogs shall receive an additional state prison term as follows:

~~(1) Where~~

(A) If the substance exceeds one kilogram by weight, or 30 liters by liquid volume, the person shall receive an additional term of three years.

~~(2) Where~~

(B) If the substance exceeds four kilograms by weight, or 100 liters by liquid volume, the person shall receive an additional term of five years.

(3)Where

(C) If the substance exceeds 10 kilograms by weight, or 200 liters by liquid volume, the person shall receive an additional term of 10 years.

(4)Where

(D) If the substance exceeds 20 kilograms by weight, or 400 liters by liquid volume, the person shall receive an additional term of 15 years.

(2) In computing the quantities involved in this subdivision, plant or vegetable material seized shall not be included.

(3) The conspiracy enhancements provided for in this subdivision shall not be imposed unless the trier of fact finds that the defendant conspirator was substantially involved in the planning, direction, execution, or financing of the underlying offense.

(c) (1) A person convicted of a violation of, or of a conspiracy to violate, Section 11351 or 11352 with respect to a substance containing fentanyl shall receive an additional state prison term as follows:

(A) If the substance exceeds 28.35 grams (one ounce) by weight, the person shall receive an additional term of three years.

(B) If the substance exceeds 100 grams by weight, the person shall receive an additional term of five years.

(C) If the substance exceeds 500 grams by weight, the person shall receive an additional term of seven years.

(D) If the substance exceeds one kilogram by weight, the person shall receive an additional term of 10 years.

(E) If the substance exceeds four kilograms by weight, the person shall receive an additional term of 13 years.

(F) If the substance exceeds 10 kilograms by weight, the person shall receive an additional term of 16 years.

(G) If the substance exceeds 20 kilograms by weight, the person shall receive an additional term of 19 years.

(H) If the substance exceeds 40 kilograms by weight, the person shall receive an additional term of 22 years.

(I) If the substance exceeds 80 kilograms by weight, the person shall receive an additional term of 25 years.

(2) The conspiracy enhancements provided for in this subdivision shall not be imposed unless the trier of fact finds that the defendant conspirator was substantially involved in the planning, direction, execution, or financing of the underlying offense.

(e) (d) The additional terms provided in this section shall not be imposed unless the allegation that the weight of the substance containing heroin, fentanyl, cocaine base as specified in paragraph (1) of subdivision (f) of Section 11054, cocaine as specified in paragraph (6) of subdivision (b) of Section 11055, methamphetamine, amphetamine, or phencyclidine (PCP) and its analogs exceeds the amounts provided in this section is charged in the accusatory pleading and admitted or found to be true by the trier of fact.

(e) Notwithstanding paragraph (9) of subdivision (h) of Section 1170 of the Penal Code, a defendant convicted of an underlying violation specified in this section who admits an enhancement pursuant to this section or for whom an enhancement pursuant to this section is found true, is punishable by imprisonment in the state prison and not pursuant to subdivision (h) of Section 1170 of the Penal Code.

(d) (f) The additional terms provided in this section shall be in addition to any other punishment provided by law.

(e) (g) Notwithstanding any other ~~provision~~ provision of law, the court may strike the additional punishment for the enhancements provided in this section if it determines that there are circumstances in mitigation of the additional punishment and states on the record its reasons for striking the additional punishment.

SECTION 7. Article 8 (commencing with Section 11395) is added to Chapter 6 of Division 10 of the Health & Safety Code, to read:

11395. (a) This section shall be known as the "Treatment-Mandated Felony."

(b) (1) Notwithstanding any other law, and except as provided in subdivision (d), a person described in subdivision (c) who possesses a hard drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished by imprisonment in a county jail for not more than one year or pursuant to subdivision (h) of Section 1170 of the Penal Code. A second or subsequent conviction of this section, is punishable by imprisonment in the county jail not exceeding one year or by imprisonment in the state prison.

(2) A person shall not be sentenced to jail or prison pursuant to this section unless a court determines that the person is not eligible or suitable for treatment or that any other circumstance described in paragraph (4) of subdivision (d) applies to that person.

(c) Subdivision (b) applies to a person who has two or more prior convictions for a felony or misdemeanor violation of Sections 11350, 11351, 11351.5, 11352, 11353, 11353.5, 11353.7, 11370.1, 11377, 11378, 11378.5, 11379, 11379.5, 11379.6, 11380, or 11395, including a conviction that occurred before the effective date of this section. Prior convictions shall be alleged in the accusatory pleading, and either admitted by the defendant in open court or found to be true by the trier of fact.

(d) (1)(i) In lieu of a jail or prison sentence, or a grant of probation with jail as a condition of probation, a defendant charged with a violation of this section may elect treatment by pleading guilty or no contest to a violation of this section and admitting the alleged prior convictions, waiving time for sentencing and the pronouncement of judgment, and agreeing to participate in, and complete, a detailed treatment program developed by a drug addiction expert and approved by the court. A defendant's plea of guilty or no contest shall not constitute a conviction for any purpose unless judgment is entered pursuant to paragraph (4) for a violation of this section.

(ii) Upon or subsequent to arraignment for a violation of this section, and at the request or with the consent of the defendant or their attorney, the court shall order a drug addiction expert to conduct a substance abuse and mental health evaluation of the defendant. The expert shall submit a report of the evaluation to the court and parties. The evaluation may be based on an interview of the defendant and/or other individuals with relevant knowledge and review of records the expert deems appropriate, such as medical records, criminal history, prior treatment history, and records pertaining to the current offense. If the defendant participates in the interview, neither the defendant's interview nor evidence derived from the interview may be used against the defendant at any subsequent trial for the instant offense except for the purposes of impeachment should the defendant testify inconsistently. The evaluation shall detail the defendant's drug abuse and/or mental health issues, if any, so the court and parties may better determine appropriate handling of the defendant's case.

(iii) Concurrent with the order for a substance abuse and mental health evaluation of the defendant, and with the defendant's consent, the court shall also order that a case worker or other qualified individual determine whether the defendant is eligible to receive Medi-Cal, Medicare, or any other relevant benefits for any programs or evaluations under this section. If the defendant did not previously consent to an eligibility determination at arraignment, the court shall order the eligibility determination upon and as a condition of the defendant's agreement to participate in and complete a treatment program as described in this subdivision.

(2) A treatment program may include, but is not limited to, drug treatment, mental health treatment, job training, and any other conditions related to treatment or a successful outcome for the defendant that the court finds appropriate. The court must hold regular hearings to review the progress of the defendant. The court shall make referrals to programs that provide services at no cost to the participant and have been deemed by the court, the drug addiction expert, and

the parties to be credible and effective. A defendant may also choose to pay for a program that is approved by the court.

(3) Upon the defendant's successful completion of the treatment program as specified in paragraph (2), the positive recommendation of the treatment program, and the motion of the defendant, prosecuting attorney, the court, or the probation department, the court shall dismiss this charge against the defendant and the provisions of Section 1000.4 of the Penal Code, as it read on the effective date of this section, shall apply, including the provision that the arrest upon which the defendant was deferred shall be deemed to have never occurred. A dismissal based on the successful completion of treatment shall not count as a conviction for any purpose, including for determining punishment pursuant to subdivision (b).

(4) If at any time it appears that the defendant is performing unsatisfactorily in the program, is not benefiting from treatment, is not amenable to treatment, has refused treatment, or has been convicted of a crime that was committed since starting treatment, the prosecuting attorney, the court on its own, or the probation department may make a motion for entry of judgment and sentencing. After notice to the defendant, the court shall hold a hearing to determine whether judgment should be entered and the defendant sentenced. Judgment shall be imposed and the defendant sentenced if the court finds true one or more of the foregoing circumstances. However, except when the defendant has been found to have been convicted of a crime that was committed since starting treatment, the court may re-refer the defendant to treatment if the court finds that it is in the interest of justice to do so, that the defendant is currently amenable to treatment, and if the defendant agrees to participate in, and complete, a treatment program as described in this section.

(5) For time spent in residential treatment, a defendant may earn only actual credits pursuant to Section 2900.5 of the Penal Code and shall not earn conduct credits pursuant to Section 4019 of the Penal Code or any other provision. Time spent in any other type of program or counseling is not eligible for any credits.

(e) (1) Except as provided in paragraph (2), as used in this section, "hard drug" means a substance listed in Sections 11054 or 11055, including a substance containing fentanyl, heroin, cocaine, cocaine base, methamphetamine, or phencyclidine, and the analogs of any of these substances as defined in Sections 11400 and 11401.

(2) As used in this section "hard drug" does not include cannabis, cannabis products, peyote, lysergic acid diethylamide (LSD) or other psychedelic drugs such as mescaline and psilocybin (mushrooms), or any other substance listed in subdivisions (d) and (e) of Section 11054, or, with the exception of methamphetamine, any other substance listed in subdivision (d) of Section 11055.

(f) Upon an arrest for a violation of this section, the court shall require judicial review prior to release to make an individualized determination of risk to public safety and likelihood to return to court.

(g) This section shall not be construed to preclude prosecution or punishment pursuant to any other law.

SECTION 8. Section 490.3 is added to the Penal Code to read:

490.3. Notwithstanding any other law, in any case involving one or more acts of theft or shoplifting, including but not limited to, violations of Sections 459.5, 484, 488, and 490.2, the value of property or merchandise stolen may be aggregated into a single count or charge, with the sum of the value of all property or merchandise being the values considered in determining the degree of theft.

SECTION 9. Section 666.1 is added to the Penal Code to read:

666.1. (a) (1) Notwithstanding any other law, a person who has two or more prior convictions for any of the offenses listed in paragraph (2), and who is convicted of petty theft or shoplifting, is punishable by imprisonment in the county jail not exceeding one year or pursuant to subdivision (h) of Section 1170. A second or subsequent conviction of this section is punishable by imprisonment in the county jail not exceeding one year or by imprisonment in the state prison.

(2) This section applies to the following offenses, including a conviction that occurred before the effective date of this section:

(A) Petty theft, as described in Section 488 or 490.2.

(B) Grand theft, as described in Section 487, 487h, and in Chapter 5 of Title 13 of Part 1 of the Penal Code (commencing with Section 484).

(C) Theft from an elder or dependent adult, as described in Section 368.

(D) The theft or unauthorized use of a vehicle, as described in Section 10851 of the Vehicle Code.

(E) Burglary, as described in Section 459.

(F) Carjacking, as described in Section 215.

(G) Robbery, as described in Section 211.

(H) Receiving stolen property, as described in Section 496.

(I) Shoplifting, as described in Section 459.5.

(J) Identity theft and mail theft, as described in Section 530.5.

(b) A person subject to charging under this section or actually charged with this section may be referred by a prosecuting attorney's office or by a county probation department to a theft diversion or deferred entry of judgment program pursuant to Section 1001.81. If appropriate, a person admitted to such a program may also be referred to a substance abuse treatment program.

(c) Upon an arrest for a violation of this section, the court shall require judicial review prior to release to make an individualized determination of risk to public safety and likelihood to return to court.

(d) This section shall not be construed to preclude prosecution or punishment pursuant to any other law.

SECTION 10. Section 12022 of the Penal Code is amended to read:

12022. (a) (1) Except as provided in subdivisions (c) and (d), a person who is armed with a firearm in the commission of a felony or attempted felony shall be punished by an additional and consecutive term of imprisonment pursuant to subdivision (h) of Section 1170 for one year, unless the arming is an element of that offense. This additional term shall apply to a person who is a principal in the commission of a felony or attempted felony if one or more of the principals is armed with a firearm, whether or not the person is personally armed with a firearm.

(2) Except as provided in subdivision (c), and notwithstanding subdivision (d), if the firearm is an assault weapon, as defined in Section 30510 or 30515, or a machinegun, as defined in Section 16880, or a .50 BMG rifle, as defined in Section 30530, the additional and consecutive term described in this subdivision shall be three years imprisonment pursuant to subdivision (h) of Section 1170 whether or not the arming is an element of the offense of which the person was convicted. The additional term provided in this paragraph shall apply to any person who is a principal in the commission of a felony or attempted felony if one or more of the principals is armed with an assault weapon, machinegun, or a .50 BMG rifle, whether or not the person is personally armed with an assault weapon, machinegun, or a .50 BMG rifle.

(b) (1) A person who personally uses a deadly or dangerous weapon in the commission of a felony or attempted felony shall be punished by an additional and consecutive term of imprisonment in the state prison for one year, unless use of a deadly or dangerous weapon is an element of that offense.

(2) If the person described in paragraph (1) has been convicted of carjacking or attempted carjacking, the additional term shall be in the state prison for one, two, or three years.

(3) When a person is found to have personally used a deadly or dangerous weapon in the commission of a felony or attempted felony as provided in this subdivision and the weapon is

owned by that person, the court shall order that the weapon be deemed a nuisance and disposed of in the manner provided in Sections 18000 and 18005.

(c) (1) Notwithstanding the enhancement set forth in subdivision (a), a person who is personally armed with a firearm in the commission of a violation or attempted violation of Section 11351, 11351.5, 11352, 11366.5, 11366.6, 11378, 11378.5, 11379, 11379.5, or 11379.6 of the Health and Safety Code shall be punished by an additional and consecutive term of imprisonment *in the state prison* pursuant to ~~subdivision (h) of Section 1170~~ for three, four, or five years.

(2) Notwithstanding paragraph (9) of subdivision (h) of Section 1170 of the Penal Code, a defendant convicted of an underlying violation specified in this subdivision who admits an enhancement pursuant to this subdivision or for whom an enhancement pursuant to this subdivision is found true, is punishable by imprisonment in the state prison and not pursuant to subdivision (h) of Section 1170 of the Penal Code.

(d) Notwithstanding the enhancement set forth in subdivision (a), a person who is not personally armed with a firearm who, knowing that another principal is personally armed with a firearm, is a principal in the commission of an offense or attempted offense specified in subdivision (c), shall be punished by an additional and consecutive term of imprisonment pursuant to subdivision (h) of Section 1170 for one, two, or three years.

(e) For purposes of imposing an enhancement under Section 1170.1, the enhancements under this section shall count as a single enhancement.

(f) Notwithstanding any other provision of law, the court may strike the additional punishment for the enhancements provided in subdivision (c) or (d) in an unusual case where the interests of justice would best be served, if the court specifies on the record and enters into the minutes the circumstances indicating that the interests of justice would best be served by that disposition.

SECTION 11. Section 12022.6 is added to the Penal Code to read:

12022.6. (a) When any person takes, damages, or destroys any property in the commission or attempted commission of a felony, or commits a felony violation of Section 496, the court shall impose a term in addition and consecutive to the punishment prescribed for the felony or attempted felony of which the defendant has been convicted, as follows:

(1) If the loss or property value exceeds fifty thousand dollars (\$50,000), the court shall impose an additional term of one year.

(2) If the loss or property value exceeds two hundred thousand dollars (\$200,000), the court shall impose an additional term of two years.

(3) If the loss or property value exceeds one million dollars (\$1,000,000), the court shall impose an additional term of three years.

(4) If the loss or property value exceeds three million dollars (\$3,000,000), the court shall impose an additional term of four years.

(5) For every additional loss or property value of three million dollars (\$3,000,000), the court shall impose a term of one year in addition to the term specified in paragraph (4).

(b) In any accusatory pleading involving multiple charges of taking, damage, or destruction, or multiple violations of Section 496, the additional terms provided in this section may be imposed if the aggregate losses to the victims or aggregate property values from all felonies exceed the amounts specified in this section and arise from a common scheme or plan. All pleadings under this section shall remain subject to the rules of joinder and severance stated in Section 954.

(c) The additional terms provided in this section shall not be imposed unless the facts relating to the amounts provided in this section are charged in the accusatory pleading and admitted by the defendant or found to be true by the trier of fact.

(d) Notwithstanding any other law, the court may impose an enhancement pursuant to this section and another section on a single count, including an enhancement pursuant to Section 12022.65.

SECTION 12. Section 12022.65 is added to the Penal Code to read:

12022.65. (a) Any person who acts in concert with two or more persons to take, attempt to take, damage, or destroy any property, in the commission or attempted commission of a felony shall be punished by an additional and consecutive term of imprisonment of one, two, or three years.

(b) The additional term provided in this section shall not be imposed unless the existence of the facts required in subdivision (a) are charged in the accusatory pleading and admitted by the defendant or found to be true by the trier of fact.

(c) Notwithstanding any other law, the court may impose an enhancement pursuant to this section and another section on a single count, including an enhancement pursuant to Section 12022.6.

SECTION 13. Section 12022.7 of the Penal Code is amended to read:

12022.7. (a) Any person who personally inflicts great bodily injury on any person other than an accomplice in the commission of a felony or attempted felony shall be punished by an additional and consecutive term of imprisonment in the state prison for three years.

(b) Any person who personally inflicts great bodily injury on any person other than an accomplice in the commission of a felony or attempted felony which causes the victim to

become comatose due to brain injury or to suffer paralysis of a permanent nature shall be punished by an additional and consecutive term of imprisonment in the state prison for five years. As used in this subdivision, "paralysis" means a major or complete loss of motor function resulting from injury to the nervous system or to a muscular mechanism.

(c) Any person who personally inflicts great bodily injury on a person who is 70 years of age or older, other than an accomplice, in the commission of a felony or attempted felony shall be punished by an additional and consecutive term of imprisonment in the state prison for five years.

(d) Any person who personally inflicts great bodily injury on a child under the age of five years in the commission of a felony or attempted felony shall be punished by an additional and consecutive term of imprisonment in the state prison for four, five, or six years.

(e) Any person who personally inflicts great bodily injury under circumstances involving domestic violence in the commission of a felony or attempted felony shall be punished by an additional and consecutive term of imprisonment in the state prison for three, four, or five years. As used in this subdivision, "domestic violence" has the meaning provided in subdivision (b) of Section 13700.

(f) *(1)* As used in this section, "great bodily injury" means a significant or substantial physical injury.

(2) As used in this section, a person who sells, furnishes, administers, or gives away a controlled substance is deemed to have personally inflicted great bodily injury when the person to whom the substance was sold, furnished, administered, or given suffers a significant or substantial physical injury from using the substance.

(g) This section shall not apply to murder or manslaughter or a violation of Section 451 or 452. Subdivisions (a), (b), (c), and (d) shall not apply if infliction of great bodily injury is an element of the offense.

(h) The court shall impose the additional terms of imprisonment under ~~either~~ subdivision (a), (b), (c), or (d), but may not impose more than one of those terms for the same offense.

SECTION 14. Chapter 36 (commencing with Section 7599.200) is added to Division 7 of Title 1 of the Government Code, to read:

7599.200. (a) This section shall be known as "Funding for the Homelessness, Drug Addiction, and Theft Reduction Act."

(b) From monies disbursed to the Board of State and Community Corrections pursuant to paragraph (3) of subdivision (a) of Section 7599.2 of the Government Code and Section 6046.2 of the Penal Code, the Board of State and Community Corrections may allocate appropriate funds to counties and local governments for programs specified in Section 11395 of the Health and Safety Code. This provision shall not preclude funding for this Act from any other source, including but not limited to the Local Revenue Fund 2011 established under Government Code Section 30025 and other such funds designated for substance abuse and mental health treatment.

(c) A defendant charged with a treatment-mandated felony is eligible for any appropriate Medi-Cal or Medicare programs or services, including but not limited to those described in Government Code Section 30025(f)(16)(B)(iii)-(v), for the defendant's programs specified in Section 11395 of the Health and Safety Code. A county or local government may contract directly with the State Department of Healthcare Services or any other applicable State agency to provide for the provision or administration of any applicable Medi-Cal or Medicare treatment programs.

SECTION 15. Amendments

(a) Except as provided in subdivision (b), this Act shall not be amended by the Legislature except by a statute that furthers the purposes, intent, findings, and declarations of the Act and is passed in each house by roll call vote entered in the journal, two-thirds of the membership of each house concurring, or by a statute that becomes effective only when approved by the voters.

(b) The Legislature may, by majority vote, amend Section 11369 of the Health & Safety Code only to expand the list of drugs that qualify as a "hard drug" and to expand the list of convictions to which it applies, and may, by majority vote, amend Section 11395 of the Health & Safety Code only to expand the list of drugs that qualify as a "hard drug" and to expand the list of applicable prior convictions, and may, by majority vote, amend Section 666.1 of the Penal Code only to expand the list of applicable prior convictions.

SECTION 16. Severability

If any provision of this Act, or any part of any provision, or the application of any provision or part to any person or circumstance is for any reason held to be invalid or unconstitutional, the remaining provisions and applications of provisions shall not be affected, but shall remain in full force and effect, and to this end the provisions of this Act are severable.

SECTION 17. Conflicting Initiatives

(a) This Act creates a new drug treatment statute and changes the penalties for career and serial thieves. In the event that this Act and another initiative measure or measures relating to the same subject appear on the same statewide ballot, the provisions of the other measure or measures

shall be deemed to be in conflict with this measure. In the event this measure receives a greater number of affirmative votes than a measure deemed to be in conflict with it, the provisions of this measure shall prevail in their entirety, and the provisions of the other measure or measures shall be null and void.

(b) If this measure is approved by voters but superseded by law by any other conflicting measure approved by the voters at the same election, and the conflicting ballot measure is later held invalid, this measure shall be self-executing and given full force and effect.

Attachment Four

Attachments to Packet

ATTACHMENTS TO PACKET

PROPOSITION 36 – ACTION ITEM

- Attachment 1 [Initiative 23-0017 – “The Homelessness, Drug Addiction, and Theft Reduction Act” Full Text](#)
- Attachment 2 [Proposition 36 Coalition – Californians for Safer Communities](#)
- Attachment 3 [Governor Gavin Newsom: Real Public Safety: A Plan to Fight and Prevent Crime in California](#)
- Attachment 4 [Public Policy Institute of California \(PPIC\): Crime Data on Retail Theft and Robberies in California](#)
- Attachment 5 [Board of State and Community Corrections: Proposition 47 Cohort II Statewide Evaluation](#)
- Attachment 6 [Judicial Council: Proposition 47 FAQs](#)
- Attachment 7 [California State Assembly Select Committee on Retail Theft](#)