

CITY OF PALM DESERT STAFF REPORT

MEETING DATE: September 12, 2024

PREPARED BY: Chris Escobedo, Assistant City Manager

SUBJECT: RESOLUTION OF SUPPORT FOR PROPOSITION 36, MODIFYING EXISTING LAWS RELATED TO PUNISHMENT OF THEFT AND DRUG CRIMES

RECOMMENDATION:

Adopt a Resolution entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, SUPPORTING PROPOSITION 36, WHICH MODIFIES EXISTING LAWS RELATED TO PUNISHMENT FOR THEFT AND DRUG CRIMES BY CREATING INCENTIVES FOR ADDICTION TREATMENT, TREATING FENTANYL LIKE OTHER DANGEROUS DRUGS, AND DISCOURAGING RETAIL THEFT."

BACKGROUND/ANALYSIS:

In 2014, California voters passed Proposition 47, which reclassified certain non-violent property and drug offenses from felonies to misdemeanors. The intention was to reduce incarceration rates and allocate resources towards community services such as mental health and substance abuse treatment. However, some stakeholders argue that Proposition 47 has also led to unintended consequences, such as a reduction in the severity of punishments for offenses related to organized retail theft and the distribution of dangerous drugs.

Proposition 36, scheduled to be on the statewide ballot on November 5, 2024, proposes several changes to the current legal framework:

- **Reclassification of Certain Crimes:** Proposition 36 allows for the reclassification of specific crimes from misdemeanors to felonies, particularly for individuals with repeated theft offenses or those involved in the possession and distribution of certain drugs, including fentanyl.
- **Retail Theft Provisions:** The proposition includes measures to address organized retail theft by enhancing penalties for theft crimes involving groups of individuals or those with prior convictions.
- **Treatment-Mandated Felonies:** Proposition 36 introduces a new court process for individuals with multiple prior drug convictions. This process could allow for treatment-based alternatives to incarceration, with charges being dismissed upon successful completion of treatment programs.
- **Fentanyl Classification:** The proposition classifies fentanyl as a dangerous drug, similar to heroin and cocaine, and includes provisions for courts to warn individuals that they could face murder charges if their actions result in a fatal overdose.

Prop 36 is supported by the Riverside County Sheriff's Department to assist in enforcement of crimes in the city of Palm Desert and Riverside County.

Endorsing Proposition 36 aligns with the City of Palm Desert's commitment to public safety, supporting local businesses, and promoting justice through appropriate penalties and rehabilitative opportunities.

The City Council is invited to review the attached resolution and consider whether to endorse the proposition, weighing the potential impacts on public safety, local businesses, and the broader community.

Legal Review:

This report has been reviewed by the City Attorney's office.

FINANCIAL IMPACT:

The fiscal impact of Proposition 36 includes potential increases in state and local criminal justice costs. These could stem from:

- **State-Level Costs:** An increase in the state prison population and additional workload for courts, possibly resulting in costs ranging from several tens of millions of dollars to the low hundreds of millions of dollars annually.
- **Local-Level Costs:** Potential increases in county jail populations, community supervision requirements, and local court workloads, likely resulting in additional costs in the tens of millions of dollars annually.

The proposition could also reduce the amount the state is required to spend on services related to Proposition 47, such as mental health and drug treatment, by reversing some of the savings realized under that measure.

ATTACHMENTS:

1. Draft Resolution
2. Legislative Analyst Office, Analysis of Proposition 36