




OFFICE OF THE CITY MANAGER

MEMORANDUM

October 21, 2024

TO: Honorable Mayor and City Council

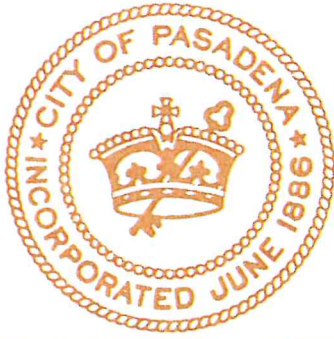
FROM:  Brenda Harvey-Williams, Assistant City Manager

SUBJECT: **SUPPORT OF PROPOSITION 36, “ALLOWS FELONY CHARGES AND INCREASES SENTENCES FOR CERTAIN DRUG AND THEFT CRIMES” ON THE NOVEMBER 5, 2024 STATE GENERAL ELECTION BALLOT AGENDA REPORT**

This item was presented to the Legislative Policy Committee on October 1, 2024. The Committee received two written comments and one public comment for this item.

Committee members discussed a range of topics and issues regarding this ballot proposition and requested this item be forwarded to the City Council for consideration with no recommendation from the Committee.

Meeting of: 10/21/2024
Agenda Item No. 16



Agenda Report

October 21, 2024

TO: Honorable Mayor and City Council

THROUGH: Legislative Policy Committee (October 1, 2024)

FROM: Office of the City Manager

SUBJECT: **SUPPORT OF PROPOSITION 36, “ALLOWS FELONY CHARGES AND INCREASES SENTENCES FOR CERTAIN DRUG AND THEFT CRIMES” ON THE NOVEMBER 5, 2024 STATE GENERAL ELECTION BALLOT**

RECOMMENDATION:

It is recommended that the City Council:

1. Find that the action proposed herein is covered by the commonsense exemption set forth in State CEQA Guidelines Section 15061(b)(3) as CEQA only applies to projects that may have a significant effect on the environment; and
2. Support Proposition 36 on the November 5, 2024, state ballot.

BACKGROUND:

The Homelessness, Drug Addiction, and Theft Reduction Act, was put on the November 5, 2024 state General Election ballot by petition signatures. The official ballot measure is titled: *Allows Felony Charges and Increases Sentences for Certain Drug and Theft Crimes*. This item is being brought before the Legislative Policy Committee as elements of Proposition 36 align with the 2024 State Legislative Platform City Council approved on May 13, 2024. The League of California Cities has urged local governments to express support of Proposition 36.

According to the State Legislative Analyst’s Office (LAO) analysis, Proposition 36 makes several key changes related to punishments for theft and drug crimes. First, it increases punishment for some of these crimes. Second, it creates a new treatment-focused court process for some drug possession crimes. Third, it requires courts to warn people convicted of selling or providing illegal drugs to others that they can be charged with murder if they keep doing so and someone dies. Please see Attachment A for the LAO’s complete analysis. The Secretary of State voter information guide is also provided

(Attachment B) which includes a reference of where to access the full text of the proposition.

A YES vote on this measure means: People convicted of certain drug or theft crimes could receive increased punishment, such as longer prison sentences. In certain cases, people who possess illegal drugs would be required to complete treatment or serve up to three years in prison.

A NO vote on this measure means: Punishment for drug and theft crimes would remain the same.

In the spirit of “lessons learned,” Proposition 36 will more broadly apply measures to help ensure desired reforms while also addressing and course correcting for the undesirable outcomes of the previous legislation.

If passed, Proposition 36 might have the following impacts on Pasadena's City Prosecutor's Office and the prosecution of misdemeanor cases in Pasadena. Proposition 36 would allow certain offenses that currently can only be filed as misdemeanors to be filed as felonies or misdemeanors. The Los Angeles County District Attorney's Office decides whether to file as a felony (and stay with the District Attorney's Office for prosecution) or should be referred to the City Prosecutor's Office for consideration of filing as a misdemeanor (and stay with the City Prosecutor's Office for prosecution).

- If the District Attorney's Office decides to file as felonies, then the City Prosecutor's Office would expect to see a corresponding decline in cases referred for review and filing. If this happens, the Prosecution Division could devote more time and resources to more serious misdemeanors in Pasadena, including DUIs and domestic violence cases.
- If the District Attorney's Office decides not to file as felonies, then the City Prosecutor's Office would expect to see an increase in custody referrals as the text of Prop 36 requires judicial review before release on charges involving theft with two priors (Proposed new PC 666.1(c)) and certain drug crimes with two priors (Proposed new H&S 11395(f)).

If the District Attorney's Office decides to file as felonies, then, with greater consequences and greater incentives to obtain treatment than traditional misdemeanor prosecution, it is possible defendants may receive the help they need which, in turn, will reduce recidivism. Encouraging defendants to receive treatment could have a positive impact by improving outcomes for those involved and reducing crime and homelessness in Los Angeles County, including Pasadena.

COUNCIL POLICY CONSIDERATION:

Where items on a state election ballot have the potential to impact Pasadena, the City Council regularly considers whether to support or oppose items. The consideration of Proposition 36 is consistent with the City Council's strategic goals to support and promote the quality of life; ensure public safety; and maintain fiscal responsibility and stability.

ENVIRONMENTAL ANALYSIS:

The proposed action has been determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15061 (b)(3), the Common Sense Exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The decision to support Proposition 36 would have no adverse impact on the environment.


FISCAL IMPACT:

No budget requests are included in this report.

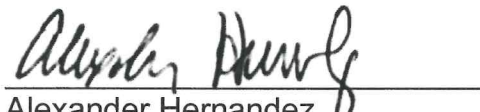
Respectfully submitted:


BRENDA HARVEY-WILLIAMS
Assistant City Manager

Concurrence:


MICHELE BEAL BAGNERIS
City Attorney/City Prosecutor

Prepared by:


Alexander Hernandez
Assistant to the City Manager

Approved by:


MIGUEL MÁRQUEZ
City Manager

Attachments

Attachment A – Legislative Analyst’s Office Analysis of Proposition 36

Attachment B – California Secretary of State Voter Information Guide – Proposition 36