



Folsom City Council Staff Report

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| MEETING DATE: | 8/27/2024 |
| AGENDA SECTION: | Consent Calendar |
| SUBJECT: | Resolution No. 11244 – A Resolution of the Folsom City Council Supporting California Proposition 36 "Increase Drug and Theft Penalties and Reduce Homelessness" |
| FROM: | City Clerk's Department |

RECOMMENDATION / CITY COUNCIL ACTION

Staff recommends that the City Council approve Resolution No. 11244 – A Resolution of the Folsom City Council Supporting California Proposition 36 "Increase Drug and Theft Penalties and Reduce Homelessness".

BACKGROUND / ISSUE

California Proposition 36, the Increase Drug and Theft Penalties and Reduce Homelessness Initiative, is on the November 2024 ballot in California as an initiated state statute. Proposition 36 seeks, in part, to reform elements of the 2014 Proposition 47, which reduced certain property crimes from felonies to misdemeanors – notably, identifying shoplifting as a mere misdemeanor offense when the value of the stolen property does not exceed \$950. Proposition 47 also authorized defendants currently serving sentences for felony offenses that would have qualified as misdemeanors under the proposition to petition courts for resentencing under the new misdemeanor provisions and authorized defendants who have completed their sentences for felony convictions that would have qualified as misdemeanors under the proposition to apply to reclassify those convictions to misdemeanors.

POLICY / RULE

One of the City of Folsom Legislative Platform foundational principles is to “Enhance Quality of Life Through Adequate Public Safety”, noting support for criminal justice laws that reinforce public safety protection for Folsom residents.

ANALYSIS

Proposition 36 is a bi-partisan measure that provides targeted reforms to Proposition 47. It will hold repeat offenders accountable, rather than putting them back on the streets. In addition, it provides critical mental health, drug treatment services, and job training within the justice system for people who are homeless and suffering from mental illness or struggling with substance abuse.

More specifically, the initiative would increase penalties for certain drug crimes by increasing sentence lengths and level of crime. Importantly, the initiative adds fentanyl to the list of drugs (cocaine, heroin, and methamphetamine) that will warrant a felony charge if an individual possesses 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 only up to one year in jail.

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

The initiative would increase penalties for certain theft crimes. For crimes where money or property worth \$950 or less is stolen, the initiative would make the crime punishable as a felony for individuals who have two or more prior theft-related convictions. The initiative would make the punishment up to three years in jail or prison depending on their criminal history. Currently, it is punishable by up to six months in jail. The initiative would also increase sentences based on the amount of property stolen.

The California Legislative Analyst's Office (LAO) reports that Proposition 36's enhanced penalties are expected to deter criminal activity, thereby improving public safety and reducing the strain on our judicial and correctional systems. The League of California Cities (Cal Cities) has voiced their support of Yes on Proposition 36.

ATTACHMENT

Resolution No. 11244 – A Resolution of the Folsom City Council Supporting California Proposition 36 "Increase Drug and Theft Penalties and Reduce Homelessness"

Submitted,

Christa Freemantle, CMC
City Clerk

RESOLUTION NO. 11244

**A RESOLUTION OF THE FOLSOM CITY COUNCIL
SUPPORTING CALIFORNIA PROPOSITION 36
"INCREASE DRUG AND THEFT PENALTIES AND REDUCE HOMELESSNESS"**

WHEREAS, Proposition 36, the "Increase Drug and Theft Penalties and Reduce Homelessness" Initiative, will be on the November 2024 ballot; and

WHEREAS, Proposition 36 presents a critical opportunity to enhance public safety and address the pervasive issue of homelessness in our community and across the state; and

WHEREAS, Proposition 36 proposes to increase penalties for drug-related and theft offenses, which have become increasingly prevalent throughout California; and

WHEREAS, the California Legislative Analyst's Office (LAO) reports that these enhanced penalties are expected to deter criminal activity, thereby improving public safety and reducing the strain on our judicial and correctional systems. The LAO emphasizes that Proposition 36 is designed to be fiscally responsible, ensuring that the increased penalties generate sufficient revenue to support these vital programs without imposing additional financial burdens on taxpayers; and

WHEREAS, Proposition 36 takes a balanced approach, recognizing the importance of not only addressing criminal behavior but also mitigating its root causes. A key component of Proposition 36 is the allocation of funds generated from these increased penalties to homelessness reduction programs; and

WHEREAS, in Folsom, we have witnessed firsthand the impact of rising crime rates and the growing homelessness crisis. Our residents deserve a safe and secure environment, and those experiencing homelessness deserve the opportunity to rebuild their lives. Proposition 36 offers a comprehensive solution that addresses these interconnected issues in a meaningful and sustainable way:

NOW, THEREFORE BE IT RESOLVED that the Folsom City Council expresses its support for Proposition 36.

PASSED AND ADOPTED on this 27th day of August 2024, by the following roll-call vote:

AYES: Councilmember(s):
NOES: Councilmember(s):
ABSENT: Councilmember(s):
ABSTAIN: Councilmember(s):

Michael D. Kozlowski, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK

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and minimize paper use.*



CITY OF
FOLSOM
DISTINCTIVE BY NATURE