



Drug and Mental Health Treatment Fact Sheet

Proposition 36, the Homelessness, Drug Addiction, and Theft Reduction Act, is on the November 2024 ballot and incentivizes people with serious drug addictions to fentanyl, meth, heroin, cocaine, or PCP to receive drug and mental health treatment. Prop 36 takes a compassionate approach and provides accountability needed to help people turn their lives around.

Background

After the passage of Proposition 47, the use of [drug courts](#) was severely diminished since repeat drug offenders had little incentive to complete treatment. This is due to the change in law that whether you were arrested 50 times or three times for drug possession, the charge could at most be a simple misdemeanor. Misdemeanors are nearly always just citations and result in very little, if any, jail time, which created a disincentive to participate in drug treatment that could last for up to 12 or more months.

Addressing drug addiction is critical for helping the individual and improving public safety. An in-depth data analysis of crime statistics sampling from four counties showed that the rate of chronic drug offenders who committed three or more drug offenses more than doubled after Prop 47 passed and that approximately 60% of drug offenders also committed theft offenses.

How Prop 36 Will Make a Difference

Prop 36 restores drug courts and ensures there is accountability to complete treatment.

- Prop 36 creates a “treatment-mandated felony” if a person possesses a hard drug (meth, fentanyl, heroin, cocaine or PCP) and has two prior convictions for drug-related offenses.
- People with two or more prior convictions for drug-related offenses have the option of utilizing a drug court and participating in and completing drug and mental health treatment instead of county jail. A drug addiction expert will conduct a substance abuse and mental health evaluation before treatment begins. Those who successfully complete drug and mental health treatment can have the charge fully expunged.
- A treatment program may also include job training and other conditions that a judge finds appropriate for a successful outcome.
- Research from the Office of National Drug Control Policy under the Obama Administration showed every \$1 spent on drug courts yields \$2 in savings in the criminal justice system, and 84% of drug court graduates were not re-arrested and charged with a serious crime in the first year after graduation.

- A UC San Francisco study completed before Prop 47 showed drug court participants who graduated their programs had reduced re-arrest rates of up to 54%.

Highly Incentivized Drug Treatment Works

Research shows that the highly incentivized treatment approach used by Prop 36 works.

- A University of Pennsylvania study demonstrated that court-ordered offenders were over ten times more likely to complete treatment than those who entered treatment voluntarily, showing that court-mandated treatment can be effective.
- Another study from researchers at the UCLA Drug Abuse Research Center found that “empirical studies have largely supported the use of coercive measures to increase the likelihood of an offender’s entering and remaining in treatment.”
- Prop 36’s treatment-mandated felony helps ensure that those who have a substance use disorder have a strong incentive to participate in and complete drug treatment.

Funding Available

Prop 36 builds on reforms that are already underway to provide services for substance abuse and mental health.

- Prop 36 leverages existing programs within Medi-Cal—which receives the majority of its funding from the federal government—to keep costs affordable to the state.
- Medi-Cal is currently implementing the Cal-AIM program, which creates a more cohesive and integrated behavioral health care system to treat substance abuse and mental illness, ensuring that offenders under Prop 36 receive appropriate levels of care.
- Voters also recently passed Proposition 1, which will expand facilities providing mental health care and substance abuse treatment.
- Prop 36 also allows for treatment programs funded by Medicare to be utilized along with other pre-existing criminal justice programs for mental health and substance abuse treatment.

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