

10) **Proposition 36: Resolution Supporting the Homelessness, Drug Addiction, and Theft Reduction Act**

Adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, IN SUPPORT OF PROPOSITION 36, THE HOMELESSNESS, DRUG ADDICTION, AND THEFT REDUCTION ACT.



REPORT TO CITY COUNCIL

To: Honorable Mayor and Members of the City Council

From: Jason Simpson, City Manager

Prepared by: Gina Gonzalez, Director of Economic Development and Legislative Affairs

Date: October 22, 2024

Subject: Proposition 36: Resolution Supporting the Homelessness, Drug Addiction, and Theft Reduction Act

Recommendation

Adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, IN SUPPORT OF PROPOSITION 36, THE HOMELESSNESS, DRUG ADDICTION, AND THEFT REDUCTION ACT.

Background

In April 2024, District Attorney Hestrin spoke to the Lake Elsinore Chamber of Commerce's Economic Development meeting, giving a presentation on the effects that Proposition 47 has had catastrophically on communities and its ability for local control and the enforcement of drugs, retail theft, drug addiction, and homelessness. Many communities throughout the state have experienced an increase in part I crimes and, equally alarming, an increase in repeat offenders. Proposition 47 reclassified certain types of felonies to misdemeanors, including drug crimes and all retail theft under \$950. Proposition 47 authorized defendants serving sentences for felony offenses that would have qualified for a misdemeanor under the proposition to petition courts for re-sentencing. It also retroactively applied their reclassification for sentencing to past sentences, resulting in reduced sentencing. This lack of accountability for crime has affected the city of Lake Elsinore, like other surrounding Southwest Riverside County cities, resulting in higher crimes, homelessness, drug addiction, and theft from our local businesses.

On April 19th, the Lake Elsinore City Council, by way of the city's approved and adopted legislative platform, sent in a letter of support for the Homelessness, Drug Addiction, and Theft Reduction Act (Initiative 23-0017A1) and joined the coalition in support of the initiative as the first city in Riverside County (Attachment 2).

Discussion

Recently, Governor Newsom signed a 10-bill package addressing retail theft. Attachment 3 of this report compares Proposition 36 (which would make changes to Proposition 47) with the recently approved retail theft package signed by the Governor. Proposition 36 would enhance crime penalties for drugs, aggregation, and retail theft, among others. Proposition 36, the Homelessness, Drug Addiction, and Theft Reduction Act, is a bi-partisan measure (supported by Law Enforcement, District Attorney's, and Chambers of Commerce, to name a few), providing targeted reforms to Prop 47 than that of the recently adopted legislative Retail Theft Package, ultimately giving cities more tools to increase safety in their communities.

The attached resolution supports Proposition 36, which would allow for critical behavioral health services, drug treatment, and job training within our justice system for people who are homeless and suffering from mental illness or struggling with substance abuse, among other tools for crime affecting the City of Lake Elsinore.

Fiscal Impact

There is no direct fiscal impact by supporting the Proposition 36 Resolution; however, there are long-term fiscal impacts from Proposition 47 currently impacting the City of Lake Elsinore as it relates to curtailing theft, drug addiction, and homelessness.

Attachments

- Attachment 1 - Resolution
- Attachment 2 - Letter of Support
- Attachment 3 - Comparison Table

RESOLUTION NO. 2024-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, IN SUPPORT OF PROPOSITION 36, THE HOMELESSNESS, DRUG ADDICTION, AND THEFT REDUCTION ACT

Whereas, While Prop 47 achieved notable success in making California’s criminal justice system more equitable, Prop 47 has also led to unintended consequences over the past decade;

Whereas, Prop 47 has contributed to increases in repeat and often organized retail theft, the shuttering of local businesses, and difficulty convincing people to seek drug and mental health treatment;

Whereas, These unintended consequences can only be corrected by the voters at the ballot box with modest amendments to Prop 47;

Whereas, Prop 36, the Homelessness, Drug Addiction, and Theft Reduction Act is a bi-partisan measure that provides common sense, targeted reforms to Prop 47 that, with the recently adopted legislative Retail Theft Package, provide more tools to increase safety in our communities;

Whereas, Spikes in retail theft, violent smash-and-grab robberies, fentanyl deaths and illicit drug use, as well as strained social services, are creating challenges beyond the capacity of local governments;

Whereas, Cities are partnering with the state to advance solutions that help reduce crime and provide more support to residents struggling with substance abuse, while avoiding a return to the days of mass incarceration;

Whereas, Prop 36, the Homelessness, Drug Addiction, and Theft Reduction Act will define fentanyl as a hard drug, hold individuals convicted of trafficking fentanyl accountable, and grant judges greater discretion in sentencing drug traffickers;

Whereas, Breaking the cycle of repeat offenders means addressing the many root causes of retail theft;

Whereas, Prop 36, the Homelessness, Drug Addiction, and Theft Reduction Act allows critical behavioral health services, drug treatment, and job training within our justice system for people who are homeless and suffering from mental illness or struggling with substance abuse;

Whereas, It’s time for meaningful and tailored reforms to our justice system to ensure the safety of our communities.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. Support for Prop 36, the Homelessness, Drug Addiction, and Theft Reduction Act and the benefit that it provides for Lake Elsinore’s community safety.

Section 4. This Resolution shall take effect immediately upon its adoption.

Section 5. The City Clerk shall certify to the adoption of this Resolution and enter it into the book of original Resolutions.

Passed and Adopted at a regular meeting of the City Council of the City of Lake Elsinore, California, this 22nd day of October 2024.

Steve Manos
Mayor

Attest:

Candice Alvarez, MMC
City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF LAKE ELSINORE)

I, Candice Alvarez, MMC, City Clerk of the City of Lake Elsinore, California, do hereby certify that Resolution No. 2024-____ was adopted by the City Council of the City of Lake Elsinore, California, at the Regular meeting of October 22, 2024 and that the same was adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Candice Alvarez, MMC
City Clerk



STEVE MANOS
Mayor

BRIAN TISDALE
Mayor Pro Tem

NATASHA JOHNSON
Council Member

BOB MAGEE
Council Member

TIMOTHY J. SHERIDAN
Council Member

SENT VIA EMAIL

April 19, 2024

Californians for Safer Communities
coalition@casafecommunities.com

Re: Letter in Support of the “Homelessness, Drug Addiction, and Theft Reduction Act” Initiative 23-0017A1)

Dear Coalition Members,

Please accept this letter from the Lake Elsinore City Council in support of “The Homelessness, Drug Addiction, and Theft Reduction Act”.

With the passage of Prop 47 in November 2014, many communities throughout the State, experienced an increase in Part I crimes and equally alarming, an increase in repeat offenders. Prop 47 reclassified certain types of felonies to misdemeanors, including drug crimes and all retail theft under \$950. Prop 47 authorized defendants serving sentences for felony offenses that would have qualified as misdemeanors under the proposition to petition courts for re-sentencing. It authorized defendants to retroactively apply their new reclassified convictions to past sentences, resulting in reduced sentencing. Prop 47 has had negative impacts on communities like Lake Elsinore, due to a lack of accountability, which has resulted in higher crime, homelessness, drug addiction, and theft from our local businesses.

The City of Lake Elsinore has continued to prioritize safety for our residents, businesses, and visitors. We realize that the laws must adapt to the circumstances we see on our streets today. Retail theft and drug offenders repeat their crimes without any accountability or consequence.

951.674.3124

130 S. MAIN STREET

LAKE ELSINORE, CA 92530

WWW.LAKE-ELSINORE.ORG

Consequences act as a deterrent while at the same time, this measure prioritizes effective drug treatment and rehabilitation programs.

This ballot measure will provide the tools our city needs to improve community safety, which is why we are supporting the "Homeless, Drug Addiction, and Theft Reduction Act".

The new proposed measure aims at reforming laws that have dramatically increased homelessness, drug addiction, and theft throughout California. Drug and mental health treatment for people who are addicted to hard drugs such as fentanyl will be provided under this new measure, as well as increased penalties for people who repeatedly engage in theft. The initiative will reduce crime, restore accountability for repeat theft offenders, incentivize those who possess hard drugs to receive treatment and face stricter punishment and address the fentanyl crisis.

Thank you for your valuable time and attention to this correspondence.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Manos", with some overlapping loops and a horizontal line at the end.

Steve Manos
Mayor
City of Lake Elsinore

cc: Honorable Senator Kelly Seyarto, 32nd District
Honorable Assemblymember, Bill Essayli, 63rd District



Retail Theft Package and Proposition 36

Recently, Gov. Gavin Newsom signed a 10-bill package addressing retail theft. The table below compares Proposition 36 — the ballot initiative sponsored by the District Attorneys that would make changes to Proposition 47 — with the retail theft package signed by the Governor.

| PROVISION | PROPOSITION 36 | LEGISLATIVE PACKAGE (NO AMENDMENTS TO PROPOSITION 47) | RELEVANT BILL NUMBERS |
|----------------------------------|--|--|-----------------------|
| Fentanyl | | | |
| Fentanyl possession with firearm | Adds to list of crimes with penalties of 2, 3, or 4 years in prison. | Not in package. | |
| Fentanyl increasing penalties | Increases penalties from 2 to 20 years depending on the amount. | Not in package. | |
| Treatment mandated felony | Creates a new crime for hard drug possession with tiered penalties up to 25 years. | Not in package. | |
| Retail Theft | | | |
| Aggregation | Provides that any case involving one or more acts of theft or shoplifting may be aggregated into a single count or charge. | Not in package. | |
| Auto theft | Does not address this issue. | Closes the loophole under existing law regarding locked cars. | SB 905 (Wiener) |
| Cargo theft | Does not address this issue. | Adds cargo theft to the Regional Property Crime Task Force operated by the CHP. | AB 1972 (Alanis) |
| Fencing | Does not address this issue. | Expands existing law for online marketplaces to report high-volume sellers to law enforcement. | SB 1144 (Skinner) |
| Fires | Does not address this issue. | Makes it a factor in aggravation if an offense | SB 1242 (Min) |

| PROVISION | PROPOSITION 36 | LEGISLATIVE PACKAGE (NO AMENDMENTS TO PROPOSITION 47) | RELEVANT BILL NUMBERS |
|-------------------------------|--|---|---|
| | | was carried out in a merchant's premises to commit retail theft. | |
| Increased penalties | Increases penalty enhancements for property crimes for up to 4 years and allows the court to impose enhancements with another single count. | Increases penalty enhancements for resale of property or stolen property in the commission of a felony for up to 4 years and allows the court to impose enhancements with another single count. No changes to Proposition 47. | AB 1960 (Rivas)*; SB 1416 (Newman) |
| Multi-jurisdictional offenses | Does not address this issue. | Allows local jurisdictions to file charges that deal with offenses across county lines. | AB 1779 (Irwin) |
| Organized retail theft | Several provisions related to acting in concert and increasing penalties for organized retail theft. However, it does not address the sunset date of the statute. (Does not amend the same code section as the legislative bills). | Removes the sunset clause on the organized retail theft statute. | AB 1802 (Jones-Sawyer); SB 982 (Wahab) |
| Police ability to arrest | Does not address this issue. | Provides that under certain circumstances police can arrest without a warrant. | AB 2943 (Zbur) |
| Probation | Does not address this issue. | Provides that the term of probation for shoplifting or petty theft would be two years. | AB 2943 (Zbur) |
| Repeat offenders | An offender with two prior convictions of petty theft or shoplifting can be | Creates a new crime for shoplifting which can be charged as a felony but does not change the threshold amount of \$950. | AB 2943 (Zbur) |

| PROVISION | PROPOSITION 36 | LEGISLATIVE PACKAGE (NO AMENDMENTS TO PROPOSITION 47) | RELEVANT BILL NUMBERS |
|-----------------------------|---|---|--------------------------|
| | charged with a felony regardless of value. Amends Proposition 47. | | |
| Restraining orders | Does not address this issue. | Creates the Retail Theft Restraining Order for repeated attempts of shoplifting which can be requested by city attorneys, retailers, or district attorneys. | AB 3209 (Berman) |
| Retailers – nuisance action | Does not address this issue. | Prohibits local government and law enforcement from threatening or filing nuisance complaints against retailers for reporting crime. | AB 2943 (Zbur) |

*AB 1960 (Rivas) is currently pending on the Governor's desk.