

STAFF REPORT

City Council Business Item

DATE: October 21, 2024

TO: Honorable Mayor and Council Members

FROM: Casey J. Day, Chief of Police

THROUGH: Amy Nilsen, Interim City Manager

SUBJECT: **The City Council of the City of Fortuna Publicly Supporting California's Proposed Proposition 36, *Resolution 2024-35***

STAFF RECOMMENDATION:

Staff recommends the City Council publicly support California's proposed Proposition 36 by adopting *Resolution 2024-35*

EXECUTIVE SUMMARY:

Proposition 36 is a 2024 California ballot initiative designed to strengthen penalties for repeat offenders and drug traffickers, addressing some of the unintended consequences created by Proposition 47. Prop 47, passed in 2014, downgraded certain theft and drug offenses to misdemeanors, resulting in an increase in organized retail theft, serial shoplifting, and drug crimes. Proposition 36 responds by reclassifying petty theft as a felony if the individual has two or more previous theft convictions, thereby holding repeat offenders accountable.

Additionally, the initiative introduces lengthened prison sentences for drug trafficking based on the type and amount of the controlled substance, focusing on high-risk drugs such as fentanyl, methamphetamine, heroin, and cocaine. It also creates a new class of treatment-mandated felony charges for drug possession, allowing individuals to avoid harsher sentences if they successfully complete a court-ordered treatment program. A critical provision of Proposition 36 is the requirement that courts issue murder warnings to drug suppliers, stating that future sales resulting in a death could result in a murder charge.

Proposition 36 is supported by law enforcement groups like the California District Attorneys Association and local law enforcement professionals, who view it as a way to restore public safety and address the escalation of repeat offenses. This measure is significant for communities, which have experienced a rise in repeat offenses and are looking for solutions to bolster public safety efforts.

RECOMMENDED COUNCIL ACTION:

1. Receive Staff Presentation and Review Council Questions
2. Open Public Comment
3. Close Public Comment
4. Motion to Adopt *Resolution 2024-35* and read by title only.
5. Voice Vote.

ATTACHMENTS:

- *Resolution Number 2024-35, A Resolution of the City Council of the City of Fortuna Supporting California's Proposed Proposition 36 Which if Passed, Would Increase the Penalty for Repeat Shoplifters and Allow for More Stringent Consequences for Those Involved in Drug Crimes.*