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For Immediate Release

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Proposition 36, Passed Overwhelmingly by Californians, Becomes Law Today

New Law will Hold Habitual Thieves and Fentanyl Dealers More Accountable, and Require Mandated Treatment for Some Offenders

Proposition 36, which passed with 68% of the vote in November, officially takes effect today in California and San Diego County [District Attorney Summer Stephan](#) said her office is committed to successfully implementing the transformational proposition in partnership with the Sheriff, county's police chiefs and the community. This proposition addresses three key public safety issues plaguing our communities:

- Repeat retail theft affecting small and large businesses and impacting the safety of their employees and their customers.
- Fentanyl and methamphetamine dealers who are poisoning individuals across the county and fueling crime.
- Untreated drug addiction and related behavioral health issues causing overdose deaths that disproportionately impact a substantial portion of persons who are homeless.

The new law provides stricter consequences for repeat theft offenders, those who are committing smash and grab retail crimes, and organized theft rings, which will stop the cycle of recidivism. The new law will also require convicted dealers of fentanyl and hard drugs to receive a warning that the next time they sell illegal drugs and someone dies, they will be held responsible for a victim's death. The law provides additional consequences for illegal drug dealers who cause great bodily injury or death. Importantly, the new law incentivizes lifesaving treatment for defendants suffering from addiction by mandating treatment as an alternative to incarceration, addressing the root cause of many crimes.

To prepare for Prop. 36 to take effect, the DA's Office has been training law enforcement officers across San Diego County about the new laws, collaborating with the San Diego County Sheriff and police chiefs throughout the region, conducting internal trainings for prosecutors, meeting with criminal justice stakeholders, working with business leaders in the region, consulting with the California District Attorneys Association and brainstorming with other District Attorney Offices across the state to leverage best practices to effectively implement the new law.

“It’s a new day for the rule of law in San Diego County and California,” DA Stephan said. “I call on retailers and the community to report theft because unlike the last 10 years, the law now provides for increased consequences for repeat criminals. Educating San Diego County, which is the second-largest county in our state, about Proposition 36 and the balanced, common-sense solutions it brings has been worthwhile, leading this proposition to pass with an overwhelming majority and creating a clear mandate resulting from the will of the people.”

“Proposition 36 finally restores the rule of law so that we don’t have to stand by while businesses suffer under the crushing weight of repeat theft that steals their livelihood and threatens the safety of their employees and customers,” DA Stephan said. “Proposition 36 sends a clear message that we will fight back against fentanyl dealers who have cost so many young lives and will hold them accountable for their actions. Importantly, Proposition 36 also humanely addresses the rampant addiction from hard drugs that is fueling homelessness and crime by incentivizing lifesaving treatment. By emphasizing accountability alongside treatment and rehabilitation, this law addresses the core drivers of habitual criminal behavior, while ensuring fairness in our justice system.”

Prop. 36:

- Elevates shoplifting to a felony for individuals with two or more prior theft-related convictions.
- Increases penalties for organized criminals who act in concert to commit ‘smash and grab’ and other forms of retail theft.
- Establishes a new mandated treatment option for individuals charged with felony crimes who have two prior drug convictions, providing a pathway to clear their criminal record upon successful completion of treatment.
- Requires a warning for convicted drug dealers that if they sell fentanyl or other hard drugs and someone dies, they will be held responsible for the life lost.
- Adds a consequence for selling fentanyl or other hard drugs that result in great bodily injury or death.

With Prop. 36 now in effect, businesses in San Diego County can take proactive steps to maximize its impact, including:

- Reporting crimes and educating employees on aspects of the new laws.
- Investing in surveillance that can better document crimes and training employees on how to document evidence and the losses suffered.
- Engaging with law enforcement, encouraging them to collaborate with local authorities to stay informed about solutions available under the new law.

“The passage and implementation of Prop 36 signals a major change in how we enforce laws addressing theft, property damage, and drug-related crimes. It also sends a message to would-be criminals that law enforcement and our residents will no longer tolerate their actions,” said Chula Vista Police Chief Roxana Kennedy. “Public safety and protecting our business owners and community remain a top priority for the Chula Vista Police Department. We look forward to implementing this new legislation and will work with our law enforcement partners to seamlessly navigate these changes.”

DA Stephan said it will be a process as the criminal justice system, businesses and communities adjust to the implementation of Prop. 36, and in the coming months hopes the new law will restore accountability and fairness while offering hope and recovery for those in need of treatment.

San Diego County Sheriff Kelly Martinez said that in anticipation of the passage and implementation of Proposition 36 the Sheriff's Office has provided regional law enforcement with guidelines on charges that will be accepted for booking. Generally, all felonies are bookable offenses and will be accepted at local jails. Individuals with two convictions for theft and certain drug crimes can now be charged with a felony offense for a new theft or drug case.

“I encourage business owners who have become discouraged with a lack of accountability related to theft crimes, to call law enforcement when they are victims of these crimes in order to hold suspects accountable,” Sheriff Martinez said. “Public safety is our primary mission, and all members of the Sheriff's Office will continue in our commitment to work with our communities and keep them safe.”

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About the San Diego County District Attorney's Office

The San Diego County DA's Office prosecutes all felony crimes in the county and misdemeanor crimes committed outside the City of San Diego. The office files about 40,000 criminal cases a year and balances prosecution with numerous crime prevention programs. District Attorney Summer Stephan leads the office of more than 1,000 dedicated employees who pursue fair and equal justice, and support victims daily across San Diego County.

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