

# Proposition 36

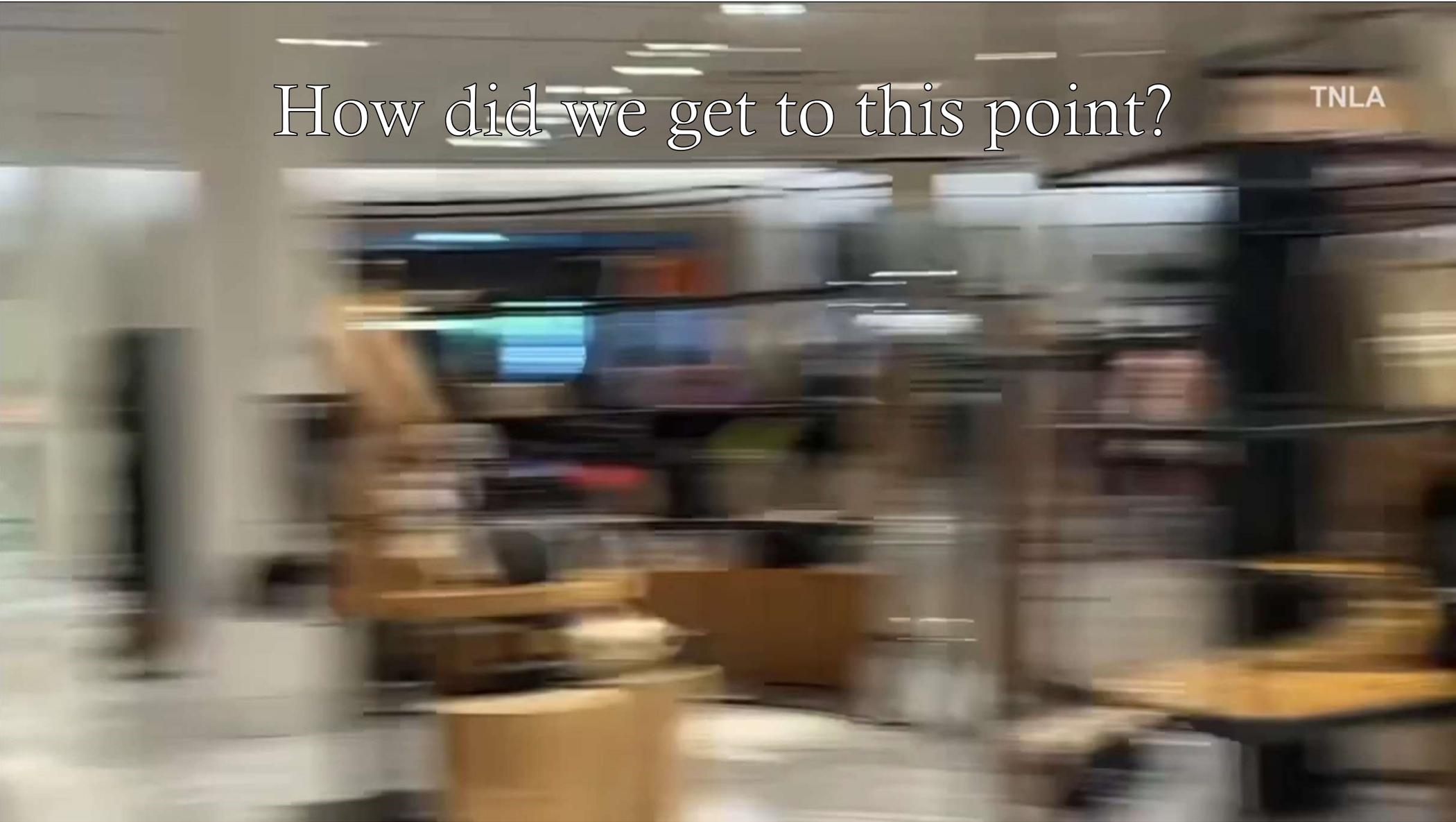
**Making California Communities Safer**



**Eugene Miyata**  
**Assistant Head Deputy**  
**Training Division**

How did we get to this point?

TNLA



# **Prop. 47**

# **Approved!**





**DEFUND  
THE  
POLICE**

# Los Angeles voters just delivered a huge win for the defund the police movement

LA's "Yes on J" campaign flipped the message from defunding cops to investing in everything else. It worked brilliantly.

by **Roge Karma**

Nov 4, 2020, 1:27 PM PST





**ELECTIONS**

# **Criminal justice reformer George Gascon wins LA district attorney race; Jacky Lacey concedes**

**Brian Melley** Associated Press

Published 11:30 a.m. PT Nov. 6, 2020 | Updated 1:14 p.m. PT Nov. 6, 2020



SPECIAL DIRECTIVE 20-08

TO: ALL DEPUTY DISTRICT ATTORNEYS

FROM: GEORGE GASCÓN   
District Attorney

SUBJECT: SENTENCING ENHANCEMENTS/ALLEGATIONS

DATE: DECEMBER 7, 2020



**“[S]entence enhancements or other sentencing allegations, including under the Three Strikes law, shall not be filed in any cases and shall be withdrawn in pending matters.”**



**“The presumption shall be to release individuals pretrial.”**

**“DDAs shall not request cash bail for any misdemeanor, non-serious felony, or non-violent felony offense.”**



**“The misdemeanor charges specified below shall be declined or dismissed before arraignment...”**

**Trespass;  
Driving on a suspended license;  
Criminal threats;  
Drug possession;  
Under the influence of a drug;  
Loitering;  
Prostitution;  
Resisting arrest.**



**FOX 11**

**FLAS**

**5:08 97°**

# Zero-bail policy takes effect in Los Angeles County, ending traditional cash system

The new policy eliminates the existing cash bail system for all but the most serious of crimes in the county.



# The Results

BLOG POST · SEPTEMBER 7, 2023

# Retail Theft and Robbery Rates Have Risen across California

Magnus Lofstrom and Brandon Martin



# California Store Closures 2022-2024



What has changed since November 2024?

POLICE AND LAW ENFORCEMENT

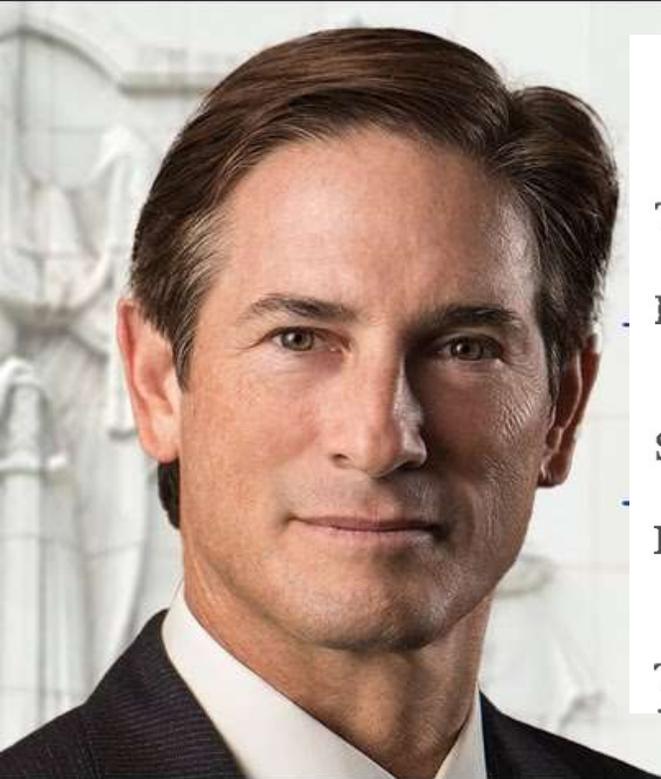
# End of defund police era? Crime, prosecutorial crackdown in blue and purple states signals shift, experts say

A look at 2024 election victories that aim to bolster law enforcement and reduce crime



By **Audrey Conklin** · **Fox News**

Published December 2, 2024 4:00am EST



SPECIAL DIRECTIVE 24-04

TO: ALL DEPUTY DISTRICT ATTORNEYS

FROM: NATHAN J. HOCHMAN *NJH*  
District Attorney

SUBJECT: RESCISSION OF SPECIAL DIRECTIVES

DATE: DECEMBER 3, 2024

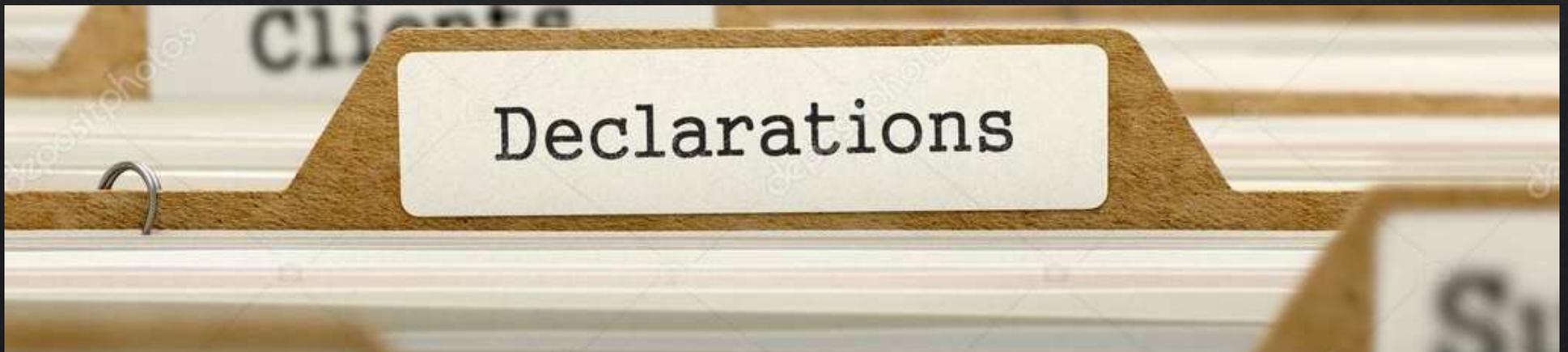
The Special Directives identified below are hereby rescinded in their entirety. Effective



## **Proposition 36:**

“The Homelessness, Drug Addiction, and Theft Reduction Act”

- ❖ Passed during the November 5, 2024 election
- ❖ Effective date December 18, 2024



# Prop. 47

“Prop 47 reduced the legal consequences of possession of hard drugs.”

“California has reached a tipping point in its homelessness, drug, mental health and theft crises.”

**CONGRATULATIONS CALIFORNIA!**

## Prop. 47

“The result has been massive increases in drug addiction and theft committed by addicts to support their addiction.”

“Drug overdoses kill two to three times more people than car accidents.”

CONGRATULATIONS CALIFORNIA

# Prop. 47

“Fentanyl is the most dangerous drug we have ever seen. It is 50 times stronger than heroin.”

“One kilogram of fentanyl is enough to kill 500,000 people.”

CONGRATULATIONS CALIFORNIA!

# Prop. 47

“Progressive states like New Jersey, Maryland, Illinois and Michigan have significantly stronger hard drug laws than California and their homeless rate is 4 to 5 times lower than California’s.”

CONGRATULATIONS CALIFORNIA!

## Prop. 47

“Prop. 47 ...provided that any theft up to \$950 in value is now a misdemeanor—regardless of how many times the offender has committed theft. ”

“In practice, this means that an offender who repeatedly steals up to \$950 in value faces virtually no legal consequences. ”

CONGRATULATIONS CALIFORNIA!

# **Prop. 47** **Approved!**

“The result has been an explosion in retail and cargo theft causing stores throughout California to close to protect employees and customers from criminal activity...and creates billions of dollars in economic losses to our local communities.”



**CONGRATULATIONS CALIFORNIA!**

**TIME  
FOR  
CHANGE**



**How can Prop 36 curtail this  
drug and theft epidemic?**

# Drugs



# Introduction of New Drug Laws

**H&S 11369** – mandatory advisement upon plea of specified drug sales cases that if their drugs kill their users, they can be charged with murder

**H&S 11370.1** – possession of fentanyl with a firearm

**H&S 11370.4** – new weight enhancements for possession for sale of fentanyl

**H&S 11395** – Treatment-Mandated Felony; for possession of hard drugs

**PC 12022(c)** – harsher penalties for possessing drugs with a firearm

**PC12022.7(f)** – drug dealers who cause great bodily injury to user

# Theft and Property Damage



# PC 490.3

## Aggregation

## PC 490.3 Aggregation

- ◆ Allows for aggregation of value for property stolen in multiple acts of theft or shoplifting
- ◆ Permits filing of a single felony theft count (value over \$950) as opposed to multiple misdemeanor theft counts
- ◆ No longer need to prove that multiple thefts were motivated by one intention, one general impulse, and one plan (see *People v. Bailey* (1961) 55 Cal.2d 514).

**PC 666.1**

**Theft with Two Priors**

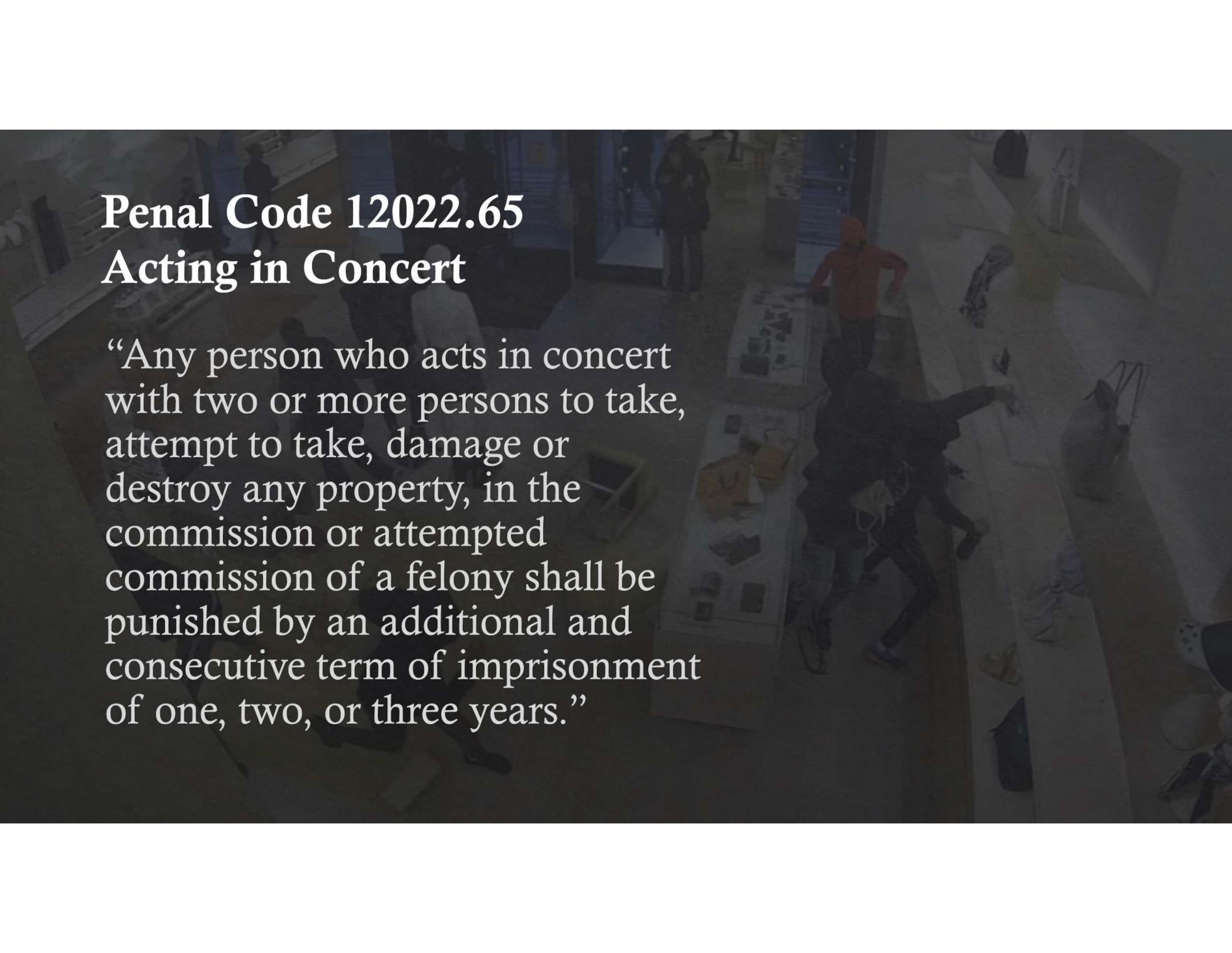
## PC 666.1 Theft with 2 Priors



- ◆ Wobbler
- ◆ Second conviction punishable in state prison
- ◆ DEJ per 1001.81

# PC 12022.6 Excessive Takings

- ◆ For felonies, property loss or value over threshold amounts, there is an enhanced penalty
- ◆ Over \$50,000 = 1 year
- ◆ Over \$200,000 = 2 years
- ◆ Over \$1,000,000 = 3 years
- ◆ Over \$3,000,000 = 4 years
- ◆ Every additional \$3,000,000 = 1 year



## Penal Code 12022.65 Acting in Concert

“Any person who acts in concert with two or more persons to take, attempt to take, damage or destroy any property, in the commission or attempted commission of a felony shall be punished by an additional and consecutive term of imprisonment of one, two, or three years.”

**Is Prop 36 Working???**

## Is Prop 36 working?

The [Public Policy Institute of California](#) (PPIC) says that since Prop 36 went into effect, prosecutors have filed "thousands of new felony drug and theft charges."

During the second half of February, prosecutors filed around 1,500 theft cases with felony charges, the PPIC says, citing data from the Judicial Council of California. Findings from Sicuro Data Analytics, meanwhile, tell a different story — during the first 90 days since Prop 36 went into effect, there were 3,500 theft cases filed.

All told, the PPIC says that Prop 36 felony cases comprise 10% to 15% of the 15,000 or so felony cases filed statewide in a typical month.

Hochman is pleased with the impact of Prop 36 on LA. In a mid-May [statement](#), he said, "Ending the cycle of catch-and-release that sent serial retail thieves back on the streets to reoffend is a top priority."

# **District Attorney Hochman Announces Aggressive Actions to Prevent and Prosecute Retail Theft**

***Over 1,000 Proposition 36 felony theft charges filed against repeat offenders***

LOS ANGELES – Los Angeles County District Attorney Nathan J. Hochman today [announced](#) aggressive actions to protect local businesses, deter retail theft and restore public safety in communities, including ramping up joint operations with law enforcement against organized criminals and filing over 1,000 Proposition 36 felony theft charges against repeat offenders.

“Ending the cycle of catch-and-release that sent serial retail thieves back on the streets to reoffend is a top priority,” said **District Attorney Hochman**. “My office has zero tolerance for criminals who flagrantly flout the law and repeatedly steal from local businesses, subjecting store owners, employees, customers and community members to fear and violence. I thank the Los Angeles County Sheriff’s Department, Los Angeles Police Department, California Highway Patrol, and our other law enforcement and retail partners for their collaboration in holding those who victimize local businesses accountable. Criminals stand warned: If you attempt to steal from Los Angeles County businesses, you will be arrested and prosecuted to the full extent of the law.”

# WARNING!

**THIS IS A PROTECTED BUSINESS**



**THEFTS WILL BE PROSECUTED BY  
THE RETAIL THEFT TASK FORCE**



**For more information,  
please scan the QR code**

**To report a crime, please contact your  
local law enforcement. In the event of an  
emergency, please call 9-1-1**



**LAW ENFORCEMENT IN LOS ANGELES COUNTY WILL HOLD THOSE WHO STEAL FROM OUR  
BUSINESSES ACCOUNTABLE TO THE FULL EXTENT UNDER THE LAW**

# Other Laws Effective January 1, 2025

Dec 30, 2024

# New in 2025: Cracking down on retail theft and property crime

🌟 This release is part of a rolling series from the Governor's Office, showcasing a cross-section of laws taking effect in 2025. Stay tuned for more updates about other new laws over the coming days.

**What you need to know:** These laws taking effect in 2025 will help fight property and retail crime by providing new tools to crack down on retail theft, smash-and-grab robberies, and more.

SACRAMENTO — As the new year soon begins, California continues its forward momentum with a new set of laws signed by Governor Newsom

## Recent news

**Governor Newsom calls for immediate withdrawal of all soldiers in Los Angeles**

Jul 21, 2025

**California prepositions resources in Plumas and Sierra Counties ahead of critical fire weather conditions**

Jul 19, 2025

# Aggregation

- **AB 2943** by Assemblymember Rick Chavez Zbur (D-Los Angeles) allows aggregation of the value of property stolen from different victims or in different counties in order to reach the felony grand theft threshold of \$950.
- **SB 905** by Senator Scott Wiener (D-San Francisco) allows aggregation of the value of property stolen from vehicles over multiple acts, in order to charge a person with automotive property theft for resale.

# Shoplifting and petty theft

- **AB 2943.** Allows an officer with probable cause to arrest a person for shoplifting, even if the act did not take place in the officer's presence.
- **AB 2943.** Doubles permissible probation period for shoplifting and for petty theft from one year to two years. Allows defendants under 25 to be referred to rehabilitative programs.
- **AB 3209** by Assemblymember Marc Berman (D-Palo Alto) allows a court to issue a "retail theft restraining order" prohibiting a person convicted of organized retail theft, shoplifting, theft, vandalism, or assault of a retail employee from entering the establishment, or other locations of the same establishment, for up to two years.

# Retail and Cargo theft

- **AB 2943.** Creates a new crime punishable by up to three years in jail, for possessing more than \$950 of stolen goods with intent to sell, exchange, or return the goods. Facilitates prosecution by eliminating the need for DAs to prove that a defendant knew the goods were stolen.
- **AB 1802** by Assemblymember Reginald Byron Jones-Sawyer (D-Los Angeles) eliminates the sunset date for the crime of organized retail theft and the sunset date for the highly-successful regional property crimes task force.

- **AB 2943.** Extends, until January 1, 2031, a law that prevents suspects of organized retail theft from being released with just a signed promise to appear in court.
- **SB 1416** by Senator Josh Newman (D-Grand Terrace) mandates sentencing enhancements for large-scale resale of property.
- **AB 1972** by Assemblymember Juan Alanis (R-Modesto) adds cargo theft to the list of property crimes that regional property crimes task forces may address.

# Increased penalties for smash & grabs

- **SB 1242** by Senator Dave Min (now Member-elect of the U.S. House of Representatives) mandates higher penalties for thieves who set fires to facilitate organized retail theft.
- **AB 1960** by Speaker Robert Rivas (D-Salinas) establishes mandatory sentencing enhancements for taking, damaging, or destroying property over \$50K during the commission of a felony.

# Vehicle theft & online sales

- **SB 905** by Senator Scott Wiener (D-San Francisco). Removes the locked door loophole for automotive property thefts.
- **SB 1144** by Senator Nancy Skinner (D-Alameda) requires online platforms to collect information about all “high-volume third-party sellers,” in order to combat fencing of stolen goods.

# Government response

- **AB 1779** by Assemblymember Jacqui Irwin (D-Thousand Oaks) permits the consolidation of theft charges and associated offenses occurring in different counties into a single criminal case.

**QUESTIONS?**



# Proposition 36



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