

# Proposition 36 Implementation

CSAC 2025, Administration of Justice Committee

Francine Byrne, Director, Criminal Justice Services, Judicial Council of California

# Results

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- **Felony vs. Drug Filings**
- **County Variation**
- **Justice Partners Collaboration**

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# Background

- Proposition 36, “The Homelessness, Drug Addiction, and Theft Reduction Act,” went into effect on December 18, 2024.
- Two Judicial Council surveys:
  - Filings data (data through April 30) Theft + Drug
  - Report to the Legislature October 1, 2025 (data through June 2025). Drug cases only
    - <https://courts.ca.gov/system/files/file/lr-2025-preliminary-proposition-36-court-data.pdf>
- State funding provided to the courts, CDCR, DHCS ( \$50 mil. for County Behavioral Health)
- No state funding provided to other justice system partners including Probation, Prosecutors & Defense

# Quick Stats

- Estimated 25,000-30,000 Proposition 36 related filings statewide annually.
  - Early survey suggests 15% filed as Misdemeanors
  - Approximately 9,000 drug cases filed through June 30.
- Felony filings: about **55% were drug-related** and **45% were theft-related**.
- Large variation between counties.

# Observations: Felony vs. Drug Filings

## (April 30 Survey)

- Most courts with Prop. 36 filings have had both theft and drug filings, including PC 666.1(a)(1) (retail theft) filings and HS 11395(b)(1) (hard drug possession) filings.
- Statewide, 45% of filings are theft related, while 55% are drug filings.
- Some counties have significantly more of one type than another.
  - Large Bay Area county: 236 retail theft filings & 4 drug possession filings
  - Large Southern California County: 12 retail theft filings & 260 drug possession filings.

# Looking Ahead

- Report due to Legislature on March 1, 2026.
  - Will provide theft & drug charges
- Data limitations: Requirements on Court and County Behavioral Health per Budget Act of 2025 (SB 101, AB 102)
- Courts express concerns about treatment and supervision availability with inadequate funding; length of time/workload associated with TMF (defendants can opt in at anytime along the process)

**Questions?**