

RESOLUTION NO. 2024-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA IN SUPPORT OF PROPOSITION 36: THE HOMELESSNESS, DRUG ADDICTION, AND THEFT REDUCTION ACT INITIATIVE

WHEREAS, the safety and security of the residents of Santa Ana is of utmost importance to the City Council; and

WHEREAS, Proposition 36, an Initiative Statute qualified for the November 5, 2024, ballot, proposes to increase penalties for certain theft and drug-related crimes; and

WHEREAS, under current law, Proposition 47 (approved by voters in 2014) reduced the punishments for some theft and drug crimes, changing certain felonies into misdemeanors; and

WHEREAS, Proposition 36 will address this issue by turning some misdemeanors back into felonies, specifically targeting repeat offenders who have two or more past convictions for theft crimes such as shoplifting, burglary, or carjacking, thereby enhancing public safety by deterring habitual criminal behavior; and

WHEREAS, Proposition 36 includes provisions to increase penalties for property crimes involving multiple offenders and provides that certain sentences for drug offenses, such as the sale of dangerous substances like fentanyl, heroin, cocaine, and methamphetamine, be served in state prison, rather than county jail, to ensure that these serious crimes are met with appropriate consequences; and

WHEREAS, Proposition 36 also introduces a new court process for individuals charged with a “treatment-mandated felony” focused on treatment for individuals convicted of drug possession crimes who have a history of drug offenses, offering them rehabilitation and treatment options as an alternative to incarceration, thus balancing enforcement with opportunities for recovery; and

WHEREAS, the Santa Ana City Council recognizes the need to give the courts tools to address the rising concerns about illegal drug distribution, including a provision within Proposition 36 that mandates a warning to individuals convicted of drug distribution that they may face murder charges if their actions lead to a fatality in the future; and

WHEREAS, supporting Proposition 36 reflects the City’s commitment to both enhancing public safety and addressing the root causes of drug-related crimes through a combination of enforcement and treatment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Ana as follows:

Section 1. The City of Santa Ana formally declares its support for Proposition 36 entitled The Homelessness, Drug Addiction, and Theft Reduction Act.

Section 2. The City of Santa Ana recognizes Prop 36 as a necessary measure to protect the public from serious drug and theft related crimes, while also providing pathways to rehabilitation for offenders.

Section 3. This Resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall attest to and certify the vote adopting this Resolution.

ADOPTED this _____ day of _____, 2024.

Valerie Amezcua
Mayor

APPROVED AS TO FORM:
Sonia R. Carvalho
City Attorney

By: Laura A. Rossini
Laura Rossini
Chief Assistant City Attorney

AYES: Councilmembers _____

NOES: Councilmembers _____

ABSTAIN: Councilmembers _____

NOT PRESENT: Councilmembers _____

CERTIFICATION OF ATTESTATION AND ORIGINALITY

I, Jennifer L. Hall, City Clerk, do hereby attest to and certify the attached Resolution No. 2024-XXX to be the original resolution adopted by the City Council of the City of Santa Ana on _____.

Date: _____

City Clerk
City of Santa Ana