

Date: September 17, 2024

To: Mayor and Members of the City Council

From: Councilmember Roberto Uranga, Chair, Intergovernmental Affairs Committee

Subject: **Proposition 36**

Recommendation

Recommendation to request City Council approve a support position on Proposition 36.

Discussion

The Intergovernmental Affairs Committee met on August 6th to receive and file a staff presentation on Report on Proposed Legislation Related to Retail Theft, Drug Use, and “Smash and Grab” Crimes, gather input from the Intergovernmental Affairs Committee, and forward the Committee’s recommendations to City Council for approval. The Intergovernmental Affairs Committee voted to support the Safer California Plan, a package of California State Senate bills aimed at addressing the fentanyl crisis and curbing retail theft and community-based crime. Because of the alignment with the Legislative Agenda, staff sent a support letter for the Senate’s Safer California Plan without needing additional City Council action. The Intergovernmental Affairs Committee also voted to support Proposition 36 and forward to City Council for approval.

Proposition 36 will amend Proposition 47, approved by voters in 2014, and make several key changes, including:

- Providing drug and mental health treatment for people who are addicted to hard drugs such as fentanyl, cocaine, heroin, and methamphetamine;
- Adding fentanyl to existing laws that prohibit the possession of hard drugs while armed with a loaded firearm;
- Adding fentanyl to existing laws that prohibit the trafficking of large quantities of hard drugs;
- Permitting judges to use their discretion to sentence drug dealers to state prison instead of county jail when they are convicted of trafficking hard drugs in large quantities or are armed with a firearm while engaging in drug trafficking;
- Warning convicted hard drug dealers and manufacturers that they can be charged with murder if they continue to traffic in hard drugs and someone dies as a result;
- Reinstating penalties for hard drug dealers whose trafficking kills or seriously injures a drug user;
- Increasing possible penalties for people who repeatedly engage in theft or drug possession, in each case turning the third or subsequent conviction into a misdemeanor/felony wobbler; and,

- Adding new laws to address the increasing problem of "smash and grab" thefts that result in significant losses and damage, or that are committed by multiple thieves working together.

Unlike regular legislative positions which staff can make a recommendation on, once a measure is on the ballot, it must come to full Council to take a position.

Respectfully submitted,

Intergovernmental Affairs Committee



Councilmember Roberto Uranga, Chair

ATTACHMENT



Report on Proposed Legislation Related to Retail Theft, Drug Use, and “Smash and Grab” Crimes

August 6, 2024

Opioid-Related Overdoses in Long Beach

- Long Beach had higher rates of opioid-related overdose deaths than LA County and California in 2021

Opioid-Related Overdose Death Rates per 100,000 Population, 2021

Indicator	Long Beach	Los Angeles County	California
<i>Opioid-related overdose death rate</i>	20.6	15.3	17.96

- From 2016 to 2022, there has been an increase in fentanyl overdose deaths in Long Beach every year until 2022, when the number decreased from 92 in 2021 to 65 in 2022

Long Beach Fentanyl Overdose Indicators

Indicator	2016	2017	2018	2019	2020	2021	2022
<i>Fentanyl overdose death rate per 100,000 residents</i>	0.9	0.9	0.9	3.0	12.4	19.7	13.9
<i>Number of fentanyl overdose deaths</i>	4	4	4	14	58	92	65

Opioid-Related Overdoses in Long Beach

- Those aged 25-39 make up the highest percentage of fentanyl-related overdoses in Long Beach

Fentanyl Overdose Rates per 100,000 by Age in 2022

Age Range	<18 years	18-24	25-39	40-64	>64
Rate	0.0	4.3	27.8	20.7	0.0

- Those who identify as White make up the highest percentage of fentanyl-related overdoses in Long Beach

Fentanyl Overdose Rates per 100,000 by Race/Ethnicity in 2022

Race/Ethnicity	White	Black/African American	Hispanic/Latinx	Asian
Rate	22.4	22.2	11.2	1.7

Retail Theft in Long Beach

- Commercial burglary is up in 14 of California's 15 largest counties
- In Long Beach, the number of Commercial Burglaries has also risen, with a reported increase of 28.5 percent, or 117 incidents, when comparing the period from January through May 2024 to the same period in 2023
- Similarly, over the same time frame, the number of Petty Thefts Under \$950 also increased by 13.3 percent, or 209 incidents

2023-2024 State Legislative Session

- As of July 2024, the City has taken a position on **21** legislative proposals, consistent with the Legislative Agenda, related to public safety, homelessness, and behavioral health during the 2023-2024 State Legislative Session, including:



Public Safety Legislation

- Support for AB 33 (Bains)—Fentanyl Addiction and Overdose Prevention Task Force
- Support for AB 1166 (Bains)—Liability for Opioid Antagonist Administration
- Support for AB 21 (Gipson)—Peace Officers Training
- Support for SB 498 (Gonzalez)—Alcoholic Beverage Control Violations
- Support for AB 645 (Friedman)—Vehicles Speed Safety System Pilot Program
- Support for AB 40 (Rodriguez)—Emergency Medical Services
- Support for AB 296 (Rodriguez)—911 Public Education Campaign
- Support for AB 1403 (Garcia)—Public Safety Fireworks Enforcement Funding
- Support for SB 796 (Alvarado-Gil)—Threats Schools and Places of Worship
- Support for AB 1814 (Ting)—Law Enforcement Agencies Facial Recognition Technology
- Support for AB 1046 (Lowenthal)—Alquist-Priolo Earthquake Fault Zoning Act: Exemptions

Homelessness Legislation

- Support for AB 67 (Muratsuchi)—Homeless Courts Pilot Program
- Support for AB 1948 (Rendon and Santiago)—Homeless Multidisciplinary Personnel Teams
- Support for SB 91 (Umberg)—California Environmental Quality Act Exemption Supportive and Transitional Housing Motel Conversion
- Support for AB 1215 (Carrillo)—Pets Assistance with Support Grant Program
- Support for AB 963 (Schiavo)—The End the Foster Care-to-Homelessness Pipeline Act
- Support for SB 37 (Caballero)—Older Adults and Adults with Disabilities Housing Stability Act
- Support for AB 1738 (Carrillo)—Mobile Homeless Connect Pilot Program
- Support for SB 407 (Wiener)—Foster Care Resource Families
- Support for AB 1657 (Wicks)—The Affordable Housing Bond Act of 2024

Behavioral Health Legislation

- Support for AB 1788 (Quirk-Silva)—Mental Health Multidisciplinary Personnel Team

Proposition 47

Overview of Proposition 47:

- Proposition 47 reclassified all drug possessions (including cocaine, heroin, fentanyl, and methamphetamine) along with all theft offenses where the value was under \$950, as misdemeanors
- Proposition 47 created the Safe Neighborhoods and Schools Fund to support rehabilitation programs and fund drug and mental health treatment
- The California District Attorney's Association, along with a coalition that includes crime victims, business owners, and public safety leaders, collected over 900,000 signatures to put a measure on the November 2024 ballot that would amend Proposition 47

Homelessness, Drug Addiction, and Theft Reduction Act

Proposition 36 Implications:

- Those with two prior theft convictions could be charged with either a felony or misdemeanor, if a person repeatedly steals under \$950
 - Under current law, such repeat offenders may only be charged with a misdemeanor, where the maximum sentence will not carry any time in jail
- Creates a “treatment-mandated felony” for persons with at least two previous convictions for possession of hard drugs who continue to refuse treatment
 - This provision will only apply to drugs like fentanyl, heroin, cocaine, methamphetamine, and PCP
- Adds fentanyl to existing laws that prohibit the trafficking of large quantities of hard drugs

Homelessness, Drug Addiction, and Theft Reduction Act

Proposition 36

- The following Cities have taken a “Support” position on Proposition 36:
 - City of Arcadia
 - City of Clovis
 - City of Covina
 - City of La Puente
 - City of Rosemead
 - City of Lake Elsinore
 - City of Whittier
- Once a measure is on the ballot, it must come to full Council to take a position

Legislative Packages

<u>Californians Together Against Retail Crime</u>	<u>Safer California Plan</u>
<ul style="list-style-type: none">• <u>Bills:</u> The Assembly's package includes 7 bills	<ul style="list-style-type: none">• <u>Bills:</u> The Senate's package includes 15 bills
<ul style="list-style-type: none">• <u>Approach:</u> The Assembly's package focuses on reducing retail crime and addressing other theft incidents through enhanced penalties and enforcement tools without repealing Proposition 47.	<ul style="list-style-type: none">• <u>Approach:</u> The Senate's package focuses on addressing the fentanyl crisis through treatment and prevention, combating retail theft through crime prevention and enhancing tools for law enforcement.
<ul style="list-style-type: none">• <u>Alignment:</u> Generally, the Assembly's package is not in alignment with our Legislative Agenda and requires Council direction to engage.	<ul style="list-style-type: none">• <u>Alignment:</u> Generally, the Senate's package is aligned with our Legislative Agenda and does not require additional Council direction to engage.

- While the Assembly's package and the Homelessness, Drug Addiction, and Theft Reduction Act are focused on reducing retail crime and addressing the fentanyl crisis, they do so by imposing harsher penalties for some drug and theft crimes
- We do not have language in our Legislative Agenda to impose harsher penalties for commercial crimes or drug crimes
- Currently, we have language in our Legislative Agenda to increase penalties for repeat offenders of property crimes

Recommendation

- Support the Senate's Safer California Plan, due to its alignment with the Legislative Agenda and critical timeline for support
 - 8.1 Public Health
 - Support legislation and grant efforts that assist municipalities in combatting opioid overdose
 - 9.1 Crime
 - Support legislation and seek funding to assist in preventing and reducing the number of deaths from illicit sales of opioids, including fentanyl, by holding drug traffickers accountable
 - 9.5 Partnerships
 - Support the funding and use of regional task forces to combat organized crime involving robbery, commercial burglary, human trafficking, sex trafficking, and retail theft/smash and grabs



Thank you

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