



## Homelessness, Drug Addiction, and Theft Reduction Act

Ad paid for by Californians to Reduce Homelessness, Drug Addiction, and Theft,

Sponsored by Golden State Communities

Ad Committee's Top Funders

Walmart

Home Depot USA

Target

Funding details at [www.fppc.ca.gov](http://www.fppc.ca.gov)

# The Problem: Smash-and-Grab Thefts. Skyrocketing Drug Addiction. More Dangerous Communities.

- **Since the passage of Proposition 47 in 2014:**
  - Reported retail, fuel and cargo theft has exploded
  - Homelessness has increased 51% in California
    - Down 11% in rest of country
  - Drug addiction has become a humanitarian crisis
- **The retail, fuel, and cargo theft problem:**
  - No accountability or deterrence
  - Repeat offenders treated as misdemeanors
  - Misdemeanors are low priority
  - Only ticket offenses; not booked or are immediately released
- **The consequences are impacting public safety and the quality of life for all Californians.**

# The Solution: The Homelessness, Drug Addiction, and Theft Reduction Act

Over 900,000 signatures to qualify for the 2024 November General Election have been submitted to the Secretary of State.

This bi-partisan measure provides common sense, targeted reforms to Prop 47 that legislative proposals alone are unable to deliver.

- **Addresses Organized and Serial Retail Theft**
- **Confronts the Fentanyl Crisis in Our Communities**
- **Prioritizes Mental Health and Drug Treatment**

# Addresses Organized and Serial Retail Theft

This measure will hold repeat offenders accountable for the safety of our communities, rather than putting them back on the streets.

- Classifies **repeated theft as a felony** for individuals who steal less than \$950 if they have two or more prior theft related convictions
- Allows **stolen property values from multiple thefts to be combined** so repeat offenders can be charged with a felony if the total exceeds \$950, countering tactics by career criminals to avoid harsher penalties
- Authorizes **judges to impose an enhanced penalty** when an offender steals, damages, or destroys property by participating in organized theft with two or more offenders or by causing losses of \$50,000 or more

# Confronts the Fentanyl Crisis in Our Communities

This measure will define fentanyl as a hard drug, hold individuals convicted of trafficking fentanyl accountable, and grant judges greater discretion in sentencing drug traffickers.

- Adds **fentanyl to the list of hard drugs** — such as heroin, cocaine, and methamphetamine — that are illegal to possess with a firearm and authorizes greater consequences for selling deadly quantities
- Enables **stricter penalties for dealers whose trafficking causes death or serious injury**, and warns traffickers of potential murder charges if continued drug trafficking results in fatalities

# Prioritizes Mental Health and Drug Treatment

This measure provides critical mental health, drug treatment services, and job training within our justice system for people who are homeless and suffering from mental illness or struggling with substance abuse.

- Enacts a new class of crime called a “**treatment-mandated felony**” where offenders with multiple hard drug possession convictions would be given the option of participating in drug and mental health treatment in lieu of incarceration
- Allows offenders who successfully complete drug and mental health treatment to **avoid jail time** and have the charge fully expunged

# The Realities of Proposition 47: Must Go Back to the Ballot

- **The language in Prop 47 is clear.**
  - Legislature can amend 47 only if it seeks to reduce penalties
  - Any effort to increase/enhance penalties must return to voters
  - (Numerous Legislative Counsel opinions)
- **Must return to voters to:**
  - Increase penalties for repeat offenders
  - Allow for aggregation of theft amounts
    - “only the voters may authorize the provisions [allowing for aggregation].” Leg Counsel opinion
- **Legislative efforts have been largely ineffective.**
- **Organized Retail Theft law proven ineffective in combating theft.**

# Efforts to Amend Proposition 47: The Need to Address Retail Theft

- **Legislative bills since Prop 47:**
  - 20 bills to address the consequences of 47 in 2023
  - At least 7 bills to fix retail theft
    - All bills were killed in committee
    - Each mandated return to voters if passed
- **Organized Retail Theft law ineffective in combating theft.**
  - DA's rarely use because of difficulties proving
  - 63% of DA's have never used the statute
  - Large county DA's have single digit cases

# Current Status: Gearing Up for a November Campaign

- **Collected over 900,000 Signatures to Qualify for the November Ballot**
- **Fundraising for the Campaign**
  - Walmart, Target, Macy's, Home Depot, Grocers, 7-11
  - Law enforcement
  - Tribes
  - Businesses and private donors
- **Building a Bipartisan Coalition**

### Social Justice and Affinity Groups

- Inland Empire Latino Coalition
- National Action Network, LAX
- National Diversity Coalition
- The East Los Angeles Community Union (TELACU)
- United Latinos Action

### Small and Minority Business Organizations

- California Hispanic Chamber of Commerce
- Coalition of Small and Disabled Veteran Businesses
- Family Business Association of California
- Hispanic Chambers of Commerce of San Francisco
- Neighborhood Market Association

### Business Organizations

- California Business Properties Association
- California Business Roundtable
- California Fuels and Convenience Alliance
- California Grocers Association
- California Self Storage Association

### Victim and Drug Abuse Advocacy Organizations

- Drug Induced Homicide Foundation
- Mothers Against Drug Addiction & Deaths
- Mothers in Grief Support Group
- Parents for Safer Children
- Victims of Illicit Drugs

### Public Safety Organizations

- California College and University Police Chiefs Association
- California Correctional Peace Officers Association
- California District Attorneys Association
- Los Angeles Association of Deputy District Attorneys
- Peace Officers Research Association of California

### Veteran Organizations

- Scottish American Military Society
- Veterans Affiliated Council
- Women's Veteran Alliance

### Elected Officials

- London Breed, Mayor, City of San Francisco
- Matt Mahan, Mayor, City of San Jose
- Dr. Jasmeet Bains, Assemblymember, District 35
- James Ramos, Assemblymember, District 45
- ***More than 100 other District Attorneys, Police Chiefs, Mayors, and Councilmembers!***

### Small Businesses

- **More than 500 small businesses across California!**

\*PARTIAL LIST

# A Bipartisan Coalition

## WHAT OTHERS ARE SAYING

“Small businesses are some of the biggest victims of rampant retail theft, driving community businesses out of neighborhoods across California. We need common sense reforms to ensure repeat criminals are held accountable, and small businesses do not continue to pay the price for inaction,” - **Julian Canete, President and CEO of the California Hispanic Chambers of Commerce.**

“When there are no consequences for retail theft, especially for repeat offenders, family-owned businesses and their employees must be concerned about their safety and ability to keep their doors open. The Homelessness, Drug Addiction, and Theft Reduction Act will enact the vital reforms needed to ensure our communities are safe again,” - **Robert Rivinius, Executive Director of the Family Business Association of California**

“We have witnessed firsthand the detrimental impact of retail theft on underserved communities. When businesses are forced to shut their doors due to rampant theft, it results in lost opportunities, lost jobs, and lost hope. Our neighborhoods deserve to have thriving businesses that provide essential goods and employment opportunities. We are proud to support the Homelessness, Drug Addiction, and Theft Reduction Act,” - **Rev. Jonathan Moseley, Western Region Director of the National Action Network**

“Retail theft disproportionately affects communities of color, exacerbating economic disparities and hindering progress. This initiative is about restoring commonsense accountability measures that will make our streets safer and stop the rampant theft that has plagued too many neighborhoods across California,” - **Joe Coto, President of United Latinos Action and former Democrat Assembly Member**

# Moving Forward: Leveraging Voter Support for the Measure

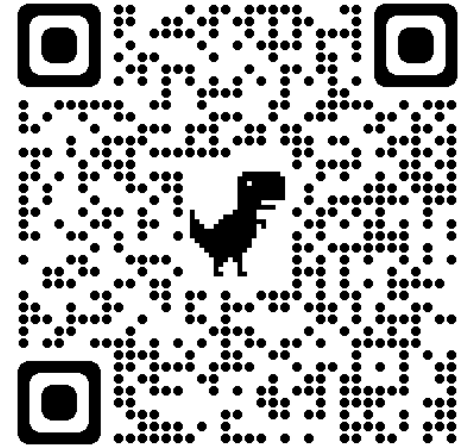
- **High voter support for the elements of the measure**
  - Fentanyl: 92% believe Fentanyl is a major threat to public safety
  - Theft: 84% believe theft is rampant
  - Homelessness/Criminal Activity: 82% believe homelessness is rampant and driving criminal behavior
- **Support for common sense, practical changes to Proposition 47**
  - 89% of voters support changes to Proposition 47 to allow for stronger penalties for those engaged in the trafficking of hard drugs or for repeat offenders of retail theft.

# Moving Forward: The Path to Success

- **Two Phases Campaign**
  - Qualification
  - Campaign
- **Qualification Phase:** Now - April 23, 2024
  - Need 546,651 valid signatures; collected over 900,000
  - Cost for Qualification: Over \$8 million
- **Campaign Phase:** April 24 - November
  - Estimated Budget: \$10-20 million\*
  - High voter support lowers budget

1. JOIN THE COALITION
2. RECRUIT SMALL BUSINESSES
3. CONTRIBUTE TO THE CAMPAIGN

**WHAT WE  
NEED FROM  
YOU!**





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**REPEAT THEFT, FRAUD, AND PROPERTY DAMAGE**

<b>Shoplifting</b>	Creates the crime of shoplifting (\$950 or less) and prohibits charging such crime as a burglary or theft Source: Penal Code SEC. 5, Section 459.5	Amends Prop 47 to allow the value of property or merchandise stolen to be aggregated for purposes of determining if "shoplifting" statute applies
<b>Forgery of Bank Items</b>	Amends the crime of forgery of banking items (e.g. checks) by raising the felony threshold to exceed \$950 Source: Penal Code SEC. 6, Section 473	<b>Initiative makes no change to Prop 47</b>
<b>Crime of Fraud</b>	Amends the crime of fraud by raising the felony threshold to exceed \$950 and changes criteria for repeat offense enhancement Source: Penal Code SEC. 7, Section 476a	<b>Initiative makes no change to Prop 47</b>
<b>Petty Theft</b>	Adds the crime of petty theft as theft of property of \$950 or less in value and limits criteria for repeat offender enhancement Source: Penal Code SEC. 8, Section 490.2	Amends Prop 47 to allow the value of property or merchandise stolen to be aggregated for purposes of determining if "petty theft" statute applies. Allows penalty enhancement for repeat offenders
<b>Stolen Property</b>	Amends the crime of knowingly obtaining stolen property to reduce the penalty if the monetary value of the property is \$950 or less and limits the criteria for repeat offender enhancement Source: Penal Code SEC. 9, Section 496	<b>Initiative makes no change to Prop 47</b>
<b>Penalty Enhancement for Repeat Offenders</b>	Amends the penalty enhancement provision for repeat offenders of theft crimes to prohibit prison sentence Source: Penal Code SEC. 10, Section 666	Amends Prop 47 to restore the penalty enhancement provision for repeat offenders of theft crimes. Allows prosecutor to offer theft diversion or substance abuse treatment in lieu of jail or prison sentence
<b>Significant Property Damage</b>	<b>Prop 47 does not address</b>	Allows for sentence enhancements for people who take or damage a significant amount of property during the commission of a felony, based on the value of the property damaged or stolen
<b>Multi-Defendant Theft, Property Damage or Destruction</b>	<b>Prop 47 does not address</b>	Allows for sentence Enhancement for multi-defendant theft, damage, or destruction of property during the commission of a felony

**FIREARM PENALTY ENHANCEMENTS**

<b>Firearm Sentence Enhancements</b>	<b>Prop 47 does not address</b>	Allows for sentence enhancements
<b>Possession of Fentanyl With A Firearm</b>	<b>Prop 47 does not address</b>	Adds fentanyl to the list of hard drugs for which possession is a felony while armed with a loaded and operable firearm

**HARD DRUG TRAFFICKING**

<b>Fatalities or Great Bodily Injury Related to Supplying A Controlled Substance</b>	<b>Prop 47 does not address</b>	Sentence enhancement for inflicting great bodily injury by supplying a controlled substance to a person significantly injured or killed by the controlled substance.
<b>Controlled Substance Possession</b>	Changes sentencing for certain controlled substance possession to county jail unless the defendant has certain prior convictions (sex offenses and other very serious offenses) Source: Health and Safety Code SEC. 11, Section 11350	Amends 47 to allow for treatment-mandated felony if the defendant has certain other prior convictions.
<b>Fentanyl</b>	<b>Prop 47 does not address</b>	Adds fentanyl to sentencing enhancement for trafficking certain hard drugs
<b>Cannabis Possession</b>	Eliminated prison for possession of cannabis except for certain enhancements Source: Health and Safety Code SEC. 12, Section 11357	<b>Initiative makes no change to Prop 47</b>
<b>Controlled Substance Possession Sentencing</b>	Changes sentencing for certain controlled substance possession (e.g. meth, PCP) to county jail unless defendant has certain prior convictions (sex offenses and other very serious offenses) Source: Health and Safety Code SEC. 13, Section 11377	<b>Initiative makes no change to Prop 47</b>
<b>Judicial Warning on Hard Drug Possession</b>	<b>Prop 47 does not address</b>	Requires courts to advise persons convicted of certain violations involving hard drugs of the dangers to others and the types of severe damage that can be caused
<b>Treatment Options for Certain Drug Possession</b>	<b>Prop 47 does not address</b>	Allows person charged with certain drug possession crimes to elect treatment instead of prison

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