

**RESOLUTION NO. .**

**BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA**

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**RESOLUTION ENDORSING PROPOSITION 36 WHICH MODIFIES EXISTING  
LAW RELATED TO PUNISHMENT FOR THEFT AND DRUG CRIMES BY  
CREATING INCENTIVES FOR THOSE SUFFERING FROM ADDICTION TO  
ENTER TREATMENT, TREATING FENTANYL LIKE OTHER DANGEROUS  
DRUGS AND DISCOURAGING RETAIL THEFT**

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**RESOLVED**, by the Board of Supervisors of the County of San Mateo, State of California, that

**WHEREAS**, Proposition 47, approved by California voters in 2014, reduced the penalties for some theft and drug crimes from felony to misdemeanor level; and

**WHEREAS**, Proposition 36 would allow certain crimes that are currently misdemeanors to be classified as felonies; for example, possession of certain drugs, including fentanyl, when there are prior drug convictions and theft crimes, such as shoplifting, where less than \$950 is stolen but where there are prior theft convictions; and

**WHEREAS**, Proposition 36 would require that sentences resulting from some felony convictions be served in prison; for example, judges would be required to impose sentences that must be served in State prison for selling certain drugs (such as fentanyl, heroin, cocaine, or methamphetamine), depending on the amount of the drug sold; and

**WHEREAS**, Proposition 36 would increase beyond current levels the period of incarceration for some felony conviction; for example, the period of incarceration for felony convictions for theft or damage of property may be increased by up to three

years if three or more people committed the crime together; and

**WHEREAS**, Proposition 36 creates a new court process for some drug possession crimes; specifically, this process allows prosecutors to charge those who possess certain illegal drugs (such as fentanyl, heroin, cocaine, or methamphetamine) and have two or more past convictions for some drug crimes (such as possessing or selling drugs) with a “treatment-mandated felony,” instead of a misdemeanor; and

**WHEREAS**, persons charged with a “treatment-mandated felony” who complete mental health or drug treatment would have their charges dismissed and those who do not finish treatment could serve up to three years in prison; and

**WHEREAS**, Proposition 36 requires courts to warn persons who have been convicted of selling or providing certain drugs (such as fentanyl, heroin, cocaine, and methamphetamine) that they could be charged with murder if they sell or provide illegal drugs that kill someone, which could make it more likely for them to be convicted of murder if they later sell or provide illegal drugs to someone who dies; and

**WHEREAS**, the County strives to ensure the safety and health of its residents, protect the property and livelihoods of individuals and support businesses and commerce; and the passage of Proposition 36 would support those goals.

**NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED** that the Board of Supervisors of the County of San Mateo, State of California, hereby endorses Proposition 36.

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