



COUNTY OF SAN DIEGO

AGENDA ITEM

BOARD OF SUPERVISORS

PALOMA AGUIRRE
First District

JOEL ANDERSON
Second District

TERRA LAWSON-REMER
Third District

MONICA MONTGOMERY STEPPE
Fourth District

JIM DESMOND
Fifth District

DATE: November 4, 2025

13

TO: Board of Supervisors

SUBJECT

**ADVOCATING FOR FUNDING FOR PROPOSITION 36 IMPLEMENTATION
(DISTRICTS: ALL)**

OVERVIEW

Proposition 36, the Homelessness, Drug Addiction, and Theft Reduction Act, was approved by California voters in November 2024 with 68.4% of the vote and took effect on December 18, 2024. Among other provisions, the measure established the Treatment-Mandated Felony (TMF) program, which allows eligible individuals with qualifying drug offenses to participate in treatment in lieu of a felony conviction.

The intent of Proposition 36 is to reduce crime, support rehabilitation, and address addiction and theft through treatment rather than repeated jail time. By addressing root causes of criminal behavior, the measure offers a pathway to reduce recidivism, help people get off the streets and into care, and ultimately enhance public safety.

However, the early implementation of Proposition 36 has placed significant operational and fiscal pressure on the region's detention facilities, courts, behavioral health services, and probation system. While the law imposes new responsibilities on counties, the State did not include dedicated, ongoing funding to support its rollout. As a result, local law enforcement agencies and service providers have been forced to absorb substantial costs without the necessary resources.

Without sufficient support, the burden falls disproportionately on local systems, jeopardizing the ability to provide timely treatment, straining jail capacity, and undermining the County of San Diego's efforts to reduce homelessness and crime.

Today's action recommends including language in the County of San Diego's Legislative Program Priority Issues which would direct the County to advocate for dedicated and sustainable funding to implement Proposition 36, specifically for law enforcement, justice, and behavioral health functions. In addition, this item directs the Chief Administrative Officer to organize coordinated outreach and advocacy efforts with impacted County departments. This funding is critical to ensuring the law achieves its goals: reducing crime, addressing addiction and homelessness, empowering law enforcement to carry out their responsibilities, and restoring public confidence in a fair and effective justice system.

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IMPLEMENTATION (DISTRICTS: ALL)**

RECOMMENDATION(S)

SUPERVISOR JIM DESMOND AND SHERIFF

1. Direct the Chief Administrative Officer to amend the County of San Diego's Legislative Program, Priority Issues section, to include the following statement until ongoing funding has been established by the State of California: "Pursue state funding resources to support the implementation of Proposition 36 at the local county level, specifically for law enforcement, justice, and behavioral health functions."
2. Direct the Chief Administrative Officer to work collaboratively with relevant County departments to organize coordinated outreach and advocacy efforts related to Proposition 36.

EQUITY IMPACT STATEMENT

Proposition 36 aims to divert individuals with substance use disorders from incarceration to treatment, offering a more equitable and rehabilitative approach. Without State funding, however, the ability of local agencies to deliver these services equitably is compromised. Securing State funding would help ensure equal access to treatment pathways, reduce overrepresentation in the criminal justice system, and support broader goals of public safety.

SUSTAINABILITY IMPACT STATEMENT

Advocating for dedicated State funding for Proposition 36 supports the County's sustainability goals by promoting health, equity, and economic efficiency. By diverting eligible individuals from incarceration to treatment, Proposition 36 reduces recidivism, eases jail overcrowding, and strengthens community well-being. This initiative aligns with County goals to provide equitable access to services and promote long-term public health and safety outcomes.

FISCAL IMPACT

There is no fiscal impact associated with today's recommendations. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

N/A

BACKGROUND

Proposition 36, the Homelessness, Drug Addiction, and Theft Reduction Act, was approved by California voters in November 2024 with 68.4% of the vote and took effect on December 18, 2024. Among other provisions, the measure established the Treatment-Mandated Felony (TMF) program, which allows eligible individuals with qualifying drug offenses to participate in treatment in lieu of a felony conviction.

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However, the early implementation of Proposition 36 has placed significant operational and fiscal pressure on the region's detention facilities, courts, behavioral health services, and probation system. While the law imposes new responsibilities on counties, the State did not include dedicated, ongoing funding to support its rollout. The State Fiscal Year 25-26 Enacted Budget did include \$100 million in one-time funding to local governments statewide, specifically, \$50 million for behavioral health, \$20 million for trial courts, and \$15 million for public defenders. Funding was not dedicated for in-custody behavioral health, substance use, or rehabilitative programming, despite local jails being a primary point of contact for engaging individuals in treatment.

As part of the County's 2026 Legislative Program outreach efforts, of the nearly 200 community comments received, the priority focus area of ensuring safe communities was within the top five common themes heard from participants. Following focused outreach by the San Diego County Sheriff's Office, seven comments highlighted Proposition 36 and the need for funding local law enforcement were received.

Given this information from the local level, and the overwhelming support of nearly two-thirds of the state and every county passing Proposition 36, it's important to advocate that without sufficient support, the burden falls disproportionately on local systems, jeopardizing the ability to provide timely treatment, straining jail capacity, and undermining the County's efforts to reduce homelessness and crime.

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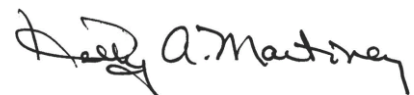
LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today's board action advances the Equity and Justice Strategic Initiatives in the County of San Diego's 2025-2030 Strategic Plan by taking steps to increase the overall well-being of individuals impacted by Proposition 36 and to ensure we have the resources necessary for those in the Sheriff's custody.

Respectfully submitted,



JIM DESMOND
Supervisor, Fifth District



KELLY A. MARTINEZ
Sheriff

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ATTACHMENT(S)

N/A