Proposition 36 vs State Legislative Package (August 2024) – Comparison

Prop 36 Provision	Prop 36 – Description	State Legislative Package Equivalent
Fentanyl Possession with Firearm – Increases Penalties	Adds fentanyl to list of hard drugs (heroin, cocaine, methamphetamine) which carry penalties of up to 4 years in prison if convict was carrying a loaded firearm at the time.	
Fentanyl Trafficking – Increases Penalties	Adds fentanyl to list of hard drugs which carry penalties of 3-25 years for large-scale trafficking.	
Treatment-Mandated Felony	Allows a court to mandate drug treatment for people with multiple drug convictions, with up to 3yrs jail or prison time if the treatment isn't completed	
Theft – eliminate $950 Felony threshold (established by Prop 47) for repeat offenders	Allows theft under $950 to be charged as a felony if offender has prior convictions; this allows sentences up to 3 years (vs misdemeanor = max 6 mo).	*AB2943 retains the $950 non-felony threshold, but allows multiple thefts to count towards it, if offender meant to resell the stolen property vs keep it.*
Theft – Aggregation	Provides that cases involving more than one act of theft or shoplifting can be aggregated into a single count or charge	
Theft over $50,000 – Increases Penalties	Increases penalties for theft over $50,000	

State Legislative Package (August 2024)	Prop 36 Equivalent	State Bills – Description
SB905 (Wiener)		Closes loophole in existing auto burglary laws with regard to unlocked cars
AB1972 (Alanis)		Defines "cargo theft" as a property crime for CA Highway Patrol Task Force purposes
AB3209 (Berman)		Allows a retailer to seek a restraining order against a person after they're convicted of robbing, vandalizing or assaulting them.
SB1144 (Skinner)		Clarifies that existing law SB301, which requires online marketplaces to collect information on high volume sellers, also applies to sellers who complete their transactions offline
AB1802 (Jones-Sawyer) SB982 (Wahab)		Removes a 2026 sunset clause in existing organized retail theft laws
SB1242 (Min)		Makes arson a factor in "aggravation" if committed during a retail theft
SB1416 (Newman)		Increases prison time for fencing stolen goods over $50,000.
AB1779 (Irwin)		Allows local jurisdictions to prosecute crimes that cross into other jurisdictions
AB2943 (Zbur)	*Prop 36 eliminates the $950 threshold for an offender with prior theft convictions.*	Allow multiple thefts to count towards the $950 threshold, if the offender meant to resell the stolen property vs keep it. Adds Shoplifting to offenses for which an arrest can be made on "probable cause" (ie no warrant). Clarifies that if a charge includes multiple offenses, offenses that occur in different counties can be included. Prohibits local governments and law enforcement from filing "nuisance" charges against a retailer for reporting theft.