JUDICIAL COUNCIL *of* CALIFORNIA

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October 1, 2025

Ms. Cara L. Jenkins
Legislative Counsel
1021 O Street, Suite 3210
Sacramento, California 95814

Ms. Erika Contreras
Secretary of the Senate
State Capitol, Room 305
Sacramento, California 95814

Ms. Sue Parker
Chief Clerk of the Assembly
State Capitol, Room 319
Sacramento, California 95814

Re: *Preliminary Proposition 36 Court Data (December 2024 to June 2025)*, as required by the Budget Act of 2025

Dear Ms. Jenkins, Ms. Contreras, and Ms. Parker:

Under item 0250-101-0001, provision 19.5, of the Budget Act of 2025 (Stats. 2025, ch. 5), the Judicial Council is submitting this *Preliminary Proposition 36 Court Data (December 2024 to June 2025)* report on case counts related to Proposition 36 implementation. This preliminary report includes statistics from December 18, 2024, through June 30, 2025, for each county regarding cases related to Health and Safety Code section 11395.

If you have any questions related to this report, please contact Ms. Francine Byrne, Director, Judicial Council Criminal Justice Services, at 415-865-8069 or Francine.Byrne@jud.ca.gov.

Sincerely,

Michelle I. Curran

Michelle Curran
Administrative Director
Judicial Council

MC/FB/aw
Attachments
cc: Eric Dang, Counsel, Office of Senate President pro Tempore Mike McGuire
Emelyn Rodriguez, General Counsel, Office of Assembly Speaker Robert Rivas
Anita Lee, Principal Fiscal and Policy Analyst, Legislative Analyst's Office
Shaun Naidu, Policy Consultant, Office of Assembly Speaker Robert Rivas
Gabriel Petek, Legislative Analyst, Legislative Analyst's Office
Mark Jimenez, Principal Program Budget Analyst, Department of Finance
Henry Ng, Budget Analyst, Department of Finance
Margie Estrada, Chief Counsel, Senate Judiciary Committee
Sandy Uribe, Chief Counsel, Senate Public Safety Committee
Liah Burnley, Principal Consultant, Senate Appropriations Committee
Hans Hemann, Principal Consultant, Joint Legislative Budget Committee
Eric Csizmar, Consultant, Senate Republican Policy Office
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Alison Merrilees, Chief Counsel, Assembly Judiciary Committee
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Report title: *Preliminary Proposition 36 Court Data (December 2024 to June 2025)*

Statutory citation: Budget Act of 2025 (Stats. 2025, ch. 5)

Date of report: October 1, 2025

The Judicial Council has submitted a report to the Legislature in accordance with provision 19.5 of item 0250-101-0001 of the Budget Act of 2025.

The following summary of the report is provided under the requirements of Government Code section 9795.

The report contains summary information about Health and Safety Code section 11395 cases (hereafter "cases") between December 18, 2024, and June 30, 2025, as reported by trial courts. The report contains county-level totals for the following metrics:

• Number of cases filed;

• Number of cases in which the defendant agreed to complete a detailed treatment program;

• Number of cases in which the defendant was ordered into treatment;

• Number of cases in which the court subsequently dismissed the charge after the defendant successfully completed the treatment program; and

• Number of cases for which the judgment was imposed and the defendant sentenced due to unsatisfactory outcomes.

The full report can be accessed here: https://courts.ca.gov/news-reference/reports-publications/reports-legislature

A printed copy of the report may be obtained by calling 415-865-8994.

October 2025

Preliminary Proposition 36 Court Data

(December 2024 to June 2025)

Judicial Council *of* California

JUDICIAL COUNCIL OF CALIFORNIA

Hon. Patricia Guerrero
Chief Justice of California and
Chair of the Judicial Council

Michelle Curran
Administrative Director
Judicial Council

Salena Chow
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Introduction

The Budget Act of 2025 provides funding for the courts to support the implementation of Proposition 36 ("The Homelessness, Drug Addiction, and Theft Reduction Act"). It appropriated $20 million to the Judicial Council and the trial courts to support the increased workload and expanding or establishing collaborative courts for the implementation of the act. This report fulfills the requirement under item 0250-101-0001 of the Budget Act of 2025 (Stats. 2025, ch. 5) that the Judicial Council submit preliminary data pertaining to cases filed under Proposition 36.

Background

Proposition 36 was passed by the voters in November 2024 and went into effect in California on December 18, 2024. It raised criminal penalties for some drug possession and theft convictions and created Health and Safety Code section 11395 and Penal Code section 666.1. Proposition 36 authorizes prosecutors, under certain conditions, to charge some drug and theft cases as felonies that would have previously been charged as misdemeanors. It allows defendants facing drug possession charges who have two or more prior drug possession convictions to participate in drug treatment in lieu of custody time. These cases are known as "treatment-mandated felonies."

The Budget Act of 2025 provides the Judicial Branch with $20 million to support the implementation of Proposition 36 over the next three years, of which $19 million will be distributed to the trial courts. According to the Budget Act, the allocation shall be used to address increased workload and to expand or establish collaborative courts for the implementation of Proposition 36. The funding may be used on staffing, contracts to provide treatment or local supervision, data collection and reporting, training and other costs associated with the implementation of Proposition 36. The Judicial Council will use the funding to support data collection and reporting, research, training, technical assistance, and other administrative activities. Trial courts were required to transmit specified information to the Judicial Council to provide a preliminary data report to the Legislature by October 1, 2025.

Survey Details

To collect the required statistical information, the Judicial Council issued a survey to the 58 California trial courts. The survey polled the courts on the required elements laid out in item 0250-101-0001, provision 19.5, subprovisions (a) through (e), of the Budget Act of 2025:

(a) The number of cases filed that included a violation of a treatment-mandated felony under section 11935 of the Health and Safety Code;
(b) The number of cases described in subprovision (a) in which the defendant elected treatment by pleading guilty or no contest to a violation and agreed to complete a detailed treatment program developed by a drug addiction expert and approved by the court, under Health and Safety Code section 11395(d)(1)(A);
(c) The number of cases described in subprovision (a) in which the defendant was ordered into treatment;

(d) The number of cases described in subprovision (a) in which the defendant successfully completed the treatment program and received the positive recommendation of the treatment program, and the court subsequently dismissed the charge under Health and Safety Code section 11395(d)(3); and

(e) The number of cases described in subprovision (a) for which judgment was imposed and the defendant sentenced because the court found the defendant was performing unsatisfactorily in the program, was not benefiting from treatment, was not being amenable to treatment, was refusing treatment, or was convicted of a crime.

Survey Results

Please note the following information about the data contained in Table 1.

- The counts contained in Table 1 reflect activity between December 18, 2024, and June 30, 2025. Data for courts denoted by a double asterisk reflect activity between December 18, 2024, and April 30, 2025.
- 57 trial courts (98 percent) provided data to the Judicial Council. These 57 courts represent 99.95 percent of the 2024 California population.
- Some courts noted that they were unable to provide the counts for subprovisions (b) through (e). These courts commonly reported counts of zero in these fields. In these cases, the listed count of zero is followed by an asterisk (*).

Table 1. Proposition 36 Health and Safety Code Section 11395 Cases, December 18, 2024, through June 30, 2025

Court	Subprovision (a)	Subprovision (b)	Subprovision (c)	Subprovision (d)	Subprovision (e)
	Health & Saf. Code, § 11395 Cases	Elected Treatment	Ordered Into Treatment	Cases Dismissed	Judgment Imposed
Statewide	8,895	1,290	771	25	163
Alameda	13	0	0	0	0
Alpine	0**	0**	0**	0**	0**
Amador	32	0	0	0	0
Butte	18	5	5	0	0
Calaveras	3	0	0	0*	0*
Colusa	5	1	1	0	0
Contra Costa	34	1	1	0	4
Del Norte	6	1	1	3	1
El Dorado	44	5	5	0	0
Fresno	40	4	1	0	0
Glenn	5	2	2	0	0
Humboldt	37	11	6	0	0
Imperial	14**	0**	0**	0**	0**

Court	Subprovision (a)	Subprovision (b)	Subprovision (c)	Subprovision (d)	Subprovision (e)
	Health & Saf. Code, § 11395 Cases	Elected Treatment	Ordered Into Treatment	Cases Dismissed	Judgment Imposed
Inyo	0**	0**	0**	0**	0**
Kern	539	87	87	0	6
Kings	1	1	1	0	1
Lake	62	0*	0*	0*	0*
Lassen	8	0	0	0	0
Los Angeles	331	40	40	1	71
Madera	62	5	5	0	0
Marin	13	0	0	0	0
Mariposa	5	0	0	0	0
Mendocino	69	13	13	2	1
Merced	10	2	2	0	1
Modoc	4	0	0	0	0
Mono	4	0	0	0	0
Monterey	74	30	30	0	3
Napa	1	1	1	0	0
Nevada	8	4	4	0	0
Orange	2,395	144	144	0	8
Placer	241	20	20	0	3
Plumas	N/A	N/A	N/A	N/A	N/A
Riverside	856	47	47	0	0
Sacramento	296	0	0	0	0
San Benito	16**	0**	0**	0**	0**
San Bernardino	95	6	0	0	0
San Diego	1,109	427	0*	0*	0*
San Francisco	2	0	0	0	0
San Joaquin	78	22	22	3	1
San Luis Obispo	177	84	31	0	44
San Mateo	130**	0**	0**	0**	0**
Santa Barbara	92	31	31	0	0
Santa Clara	265	0	0	0	0
Santa Cruz	82	0*	0*	0*	0*
Shasta	125	28	28	1	0
Sierra	2**	0**	0**	0**	0**
Siskiyou	33	0	0	0	5
Solano	59	4	4	0	0
Sonoma	177	9	9	0	2
Stanislaus	473	77	77	0	0
Sutter	118	21	21	6	2

Court	Subprovision (a) Health & Saf. Code, § 11395 Cases	Subprovision (b) Elected Treatment	Subprovision (c) Ordered Into Treatment	Subprovision (d) Cases Dismissed	Subprovision (e) Judgment Imposed
Tehama	26	5	5	0	0
Trinity	14	4	4	6	1
Tulare	169	83	58	1	2
Tuolumne	40	14	14	0	6
Ventura	211	3	3	2	0*
Yolo	88	7	7	0	0
Yuba	84	41	41	0	1

N/A = Data not available.

* The court responded with a count of zero for the given column but also notified the Judicial Council it was unable to track the requested metric.

** The court provided data spanning the period of December 2024 through April 2025. Counts of zero indicate the data for the given column was not available.

Summary of Findings

During the initial six-and-a-half-months of implementation, the total number of reported felony Health and Safety Code section 11395 cases received in the 57 reporting trial courts was 8,895. These courts are in counties that contain 99.95 percent of the state's residential population. Using this information to extrapolate an annual estimate for a statewide number of felony Health and Safety Code section 11395 cases, the state may anticipate approximately 16,000 to 17,000 felony Health and Safety Code section 11395 cases.

Of the 8,895 total cases, courts reported that 1,290 defendants (15 percent) elected to participate in treatment. Of these defendants, 771 (60 percent) were ordered into treatment by the time the survey was due.[1] Of the participants who entered treatment, 25 cases (3 percent) were dismissed following the participants' successful completion of their assigned treatment program. Conversely, 163 cases (21 percent) had judgment imposed on the participant due to unsatisfactory outcomes of, or during, the treatment program.[2] The survey did not expressly

[1] San Diego County accounted for nearly one-third (427 of 1,290) of all cases in which defendants elected to participate in treatment. However, San Diego could not report how many defendants were ordered into treatment, completed treatment, or had their participation in treatment terminated, due to limitations of its case management system. Therefore, a substantial portion of the drop-off between the number of defendants who elected to participate in treatment statewide and the number of participants who were referred into treatment is attributable to missing data from this single county. Treatment providers and district attorneys may be able to track this information more accurately.

[2] Some counties reported a higher number of cases where defendants had their sentence imposed than cases where defendants were referred into treatment. The Judicial Council sought clarification as why this was. Multiple counties that responded to this inquiry interpreted this question of the survey to include cases from subprovision (a) where

request the number of defendants that were referred into treatment whose participation in treatment was still ongoing. However, a substantial portion of the remaining defendants that were referred to treatment, whose cases had not been dismissed and had not received a final judgment, were likely at various stages of the treatment process at the time of the survey.

Data Considerations

Some of the responding trial courts provided additional contextual information that should inform the interpretation of the survey data:

- As displayed in the table, some courts did not respond to the survey, as indicated in the table with "N/A." The case management systems at some courts were unable to extract all the required case characteristics data, such as whether a defendant elected to participate in a treatment program. Judicial Council staff is working with courts to improve data reporting capacity for future reports.
- A portion of the Health and Safety Code section 11395 cases were filed too recently for other actions, such as referrals, to occur prior to submission of the survey.
- Some cases initially charged under Health and Safety Code section 11395 result in pleas to a lesser or different charge. These cases contribute to the gap between the number of total cases and the defendants who elect for, and receive referrals to, treatment.
- Some Health and Safety Code section 11395 cases were charged in conjunction with more serious charges that precluded defendants from electing treatment.
- Some of the trial courts send participants through previously existing processes for diversion and treatment, rather than the new pathway under Proposition 36. One court noted that it sends participants who failed the preexisting process for mental health diversion through the Proposition 36 process.
- Other justice system stake holders, such as treatment providers, district attorneys, or public defenders, may be able to track the full trajectory of a case in ways that courts cannot do due to the limitations of their case management systems.
- Some courts reported having difficulty getting potential participants into treatment programs due to availability of services and resource constraints. The survey data collection period predates the allocation of state dollars to implement Proposition 36.
- It is not uncommon for treatment programs to take upward of a year to complete, so many cases simply have not had time to be resolved as of when the survey was issued. Therefore, the low number of successful completions so early into the implementation of Proposition 36 is expected.

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the defendants had not first been referred to treatment. Accordingly, some of the defendants counted under subprovision (e) may have been sentenced on a case that included a included a violation of a treatment-mandated felony but were never referred into treatment prior to sentencing. Therefore, the number of defendants that were referred into treatment and had judgment imposed due to unsatisfactory outcomes of, or during, the treatment program is likely an overcount. The Judicial Council will address this area of ambiguity in future data collection efforts.

Looking Forward

This is a preliminary report and will be issued only one time. This report covers the period from December 18, 2024, to June 30, 2025, of initial implementation of Prop 36. The Budget Act of 2025 also requires that the Judicial Council, in collaboration with the state Department of Health Care Services, develop a report that contains the subprovisions outlined in provision 20 of the Budget Act of 2025. These provisions outline more expansive data reporting on Proposition 36 implementation. The Judicial Council will submit a subsequent report to the Legislature by March 1, 2026, and annually until the funds are spent.