

## **SB 1506 (LENO)**

### **DRUG POSSESSION MISDEMEANOR**

#### Summary

SB 1506 will add California to the list of 13 states, the District of Columbia, and the federal government that currently treat possession of drugs for personal use as a misdemeanor. It will provide for up to one year in jail, typically three years on probation, or a combination of the two. (In some cases, judges may order up to five years probation.) Participation in drug treatment and/or other programs may be ordered as a condition of probation. The legislation will not change the penalties for sale, transportation, manufacture, or possession for sale.

SB 1506 will significantly reduce prison and jail spending. It will allow local and state government to dedicate resources to probation, drug treatment and mental health services, which have proven most effective in reducing crime. It will also free up law enforcement resources to focus on more serious offenders.

The independent, nonpartisan Legislative Analyst's Office estimates that SB 1506 will save counties about \$159 million annually, in addition to yearly savings for the state totaling \$64.4 million. Savings will total \$1 billion in five years.

#### Sponsors

- American Civil Liberties Union
- California Attorneys for Criminal Justices
- California State NAACP
- Drug Policy Alliance
- Ella Baker Center for Human Rights
- William C. Velásquez Institute (WCVI)

#### Why this bill is needed

- To help address the state and county budget crises;
- To help alleviate overcrowding in state prisons and county jails;
- To provide greater flexibility to county governments to invest in cost-effective approaches to reduce recidivism, including drug treatment and mental health services;
- To free up law enforcement officials to focus on more serious offenses;
- To reduce costly burdens on the overcrowded court system;
- To prevent severe lifelong consequences of a felony conviction that hurt families and individuals, including reduced access to jobs, student loans, housing and small business loans.

### What this bill will do

- Safely reduce prison overspending and overcrowding. Hundreds of millions spent each year on incarceration under current law represent an irresponsible expenditure of scarce state resources.
  - For decades, blue-ribbon commissions and bipartisan panels have consistently recommended against lengthy incarceration for these low-level offenders in order to conserve resources and more effectively and affordably address public safety needs.
- Implement the will of the voters. The vast majority of California voters support reduced penalties for people convicted of personal drug possession.
  - California voters overwhelmingly called for reducing incarceration as a response to drug use in 2000, when 61% of voters approved Proposition 36, the Substance Abuse and Crime Prevention Act.
  - A statewide poll conducted by Lake Research Partners in March 2011 showed that most California voters oppose keeping simple possession of drugs as a felony crime, with 72% in favor of reducing the penalty to a misdemeanor.
- Help sheriffs implement realignment. By reducing the number of jail bed days taken by those serving time for low-level drug offenses, jail space will be reserved for more serious offenders.
- Ensure offender supervision is maintained. Probation can still be imposed for terms of typically three years (sometimes up to five years) with conditions such as drug treatment or other programs.
- Reduce collateral consequences. As misdemeanors, these offenses won't carry with them all of the collateral consequences that accompany felony convictions, including barriers to employment and housing, which make it more difficult for offenders to reintegrate into the community. Removing the stigma of a felony will ultimately help reduce recidivism, as those not saddled with such convictions will have opportunities for successful rehabilitation and reintegration.

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