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NEWS RELEASE



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DA Files 33 Prop 36 Cases in First Month After Becoming Law

VENTURA, Calif. – District Attorney Erik Nasarenko announced today that 33 cases have been filed in the past month under the recently enacted provisions of Proposition 36, the "Homelessness, Drug Addiction, and Theft Reduction Act," which took effect on December 18, 2024. Proposition 36 introduced significant changes to California law, including the addition of two new felony offenses to help combat repeat drug and theft offenses: Health and Safety Code section 11395 and Penal Code section 666.1.

To date, the District Attorney's Office has charged 21 cases involving Health and Safety Code section 11395. This new law targets individuals possessing hard drugs—such as fentanyl, heroin, and methamphetamine—with two or more prior drug-related convictions.

One defendant, with nine prior drug convictions, was stopped for trespassing and found in possession of methamphetamine and fentanyl. Another defendant was arrested while allegedly striking the front door of a business repeatedly with a metal object at 1:00 a.m. This individual was in possession of methamphetamine, had eight prior theft convictions, three prior strike offenses, and numerous parole violations since his release from prison.

Offenders charged under Health and Safety Code section 11395, who are found suitable, can participate in court-mandated drug treatment programs as an alternative to jail or prison. Successful completion of treatment can result in a dismissal of the charge. Five of the 21 people have already appeared before a judge on the new charges and requested to be screened for the new drug diversion program.

Additionally, 12 cases have been filed under the new Penal Code section 666.1, which addresses petty theft or shoplifting by individuals with at least two prior theft-related convictions. The defendants associated with these newly filed cases have an average of five prior theft convictions, many of which occurred within the past few years.

A defendant with 15 prior misdemeanor theft convictions and five prior drug convictions has been charged under Penal Code section 666.1. Another defendant has an extensive criminal history in California and four other states, including five prior theft convictions and two open theft cases in California. Before the implementation of Proposition 36, both defendants would have faced misdemeanor charges.

“The repeated lawlessness demonstrated by these offenders makes our communities unsafe,” said District Attorney Erik Nasarenko. “We will continue to use Proposition 36 to hold these habitual offenders accountable in a manner that is measured, that strikes a balance with drug treatment, and is consistent with the voters’ intent.”

A total of 1,327 cases were filed by the Ventura County District Attorney’s Office during this same one-month period. Proposition 36 cases accounted for approximately 2.5% of the overall case filings.

The Ventura County District Attorney’s Office is committed to enforcing these new laws to safeguard public safety and will provide periodic updates on our implementation of Proposition 36.