



## Prop 36 (2024) Prison Data for January 2026

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### INTRODUCTION

Proposition 36, enacted by California voters in November 2024, created two new “wobbler” statutes (meaning the prosecutor has the discretion to charge the offense as a misdemeanor or as a felony): **Penal Code § 666.1** (PC § 666.1), which makes petty theft or shoplifting a potential felony if the person has two or more prior theft-related convictions, and **Health & Safety Code § 11395** (HSC § 11395), which makes possession of a “hard drug” (such as fentanyl, heroin, or methamphetamine) a potential felony for individuals with two or more prior drug convictions. Under HSC § 11395, defendants may be able to complete treatment in lieu of incarceration, with dismissal upon completion.

Prop 36 also amended other provisions of California law that could result in prison admissions or longer sentences, but this resource considers only the new offenses or enhancements created by the initiative as these are likely the most significant in driving prison admissions.

This analysis is generated by the [California Policy Lab](#) and [Committee on Revision of the Penal Code](#). For questions or suggestions, please contact Tom Nosewicz, [tnosewicz@clrc.ca.gov](mailto:tnosewicz@clrc.ca.gov).

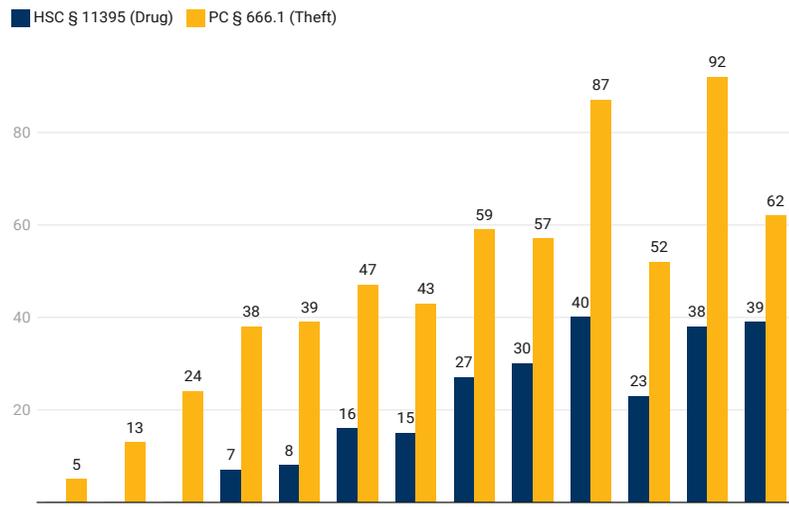
We plan to update this document monthly and make prior versions available on our website. See the most recent update and previous data: <https://capolicylab.org/prop-36/>.

Unless otherwise specified, this data includes only people where the relevant offense was the controlling offense, meaning it was the most serious offense they were convicted of. Counts fewer than five are suppressed to prevent potential reidentification.

## Admissions and overall population for Prop 36 offenses and enhancements

This section shows monthly prison admission and overall population counts for Prop 36 offenses PC § 666.1 (petty theft with priors) and HSC § 11395 (treatment-mandated drug-possession felony) since January 2025. It also includes overall admission counts for Prop 36 enhancements PC § 12022.6 (property destruction) and PC § 12022.65 (acting in concert).

FIGURE 1: Admissions for Prop 36 offenses, Jan 2025 - Jan 2026



Note: Admissions for HSC § 11395 were less than 5 in January, February, and March.

Source: California Department of Corrections and Rehabilitation (2025 - 2026)

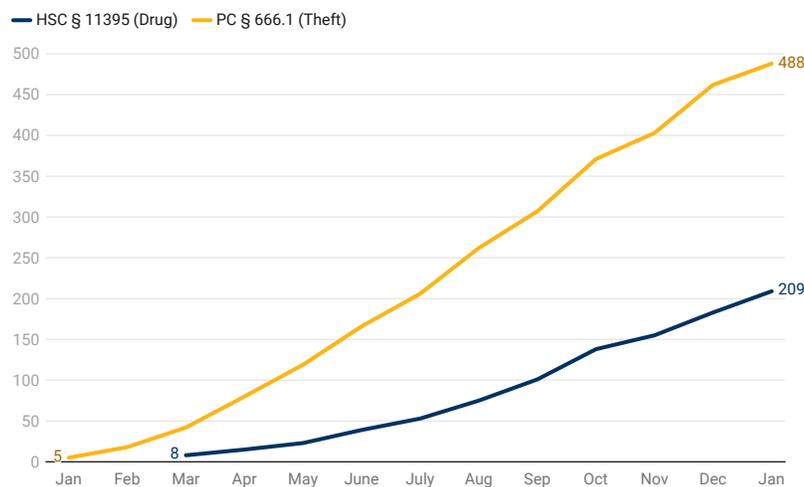
There were 1,749 admissions to prison in January 2026. HSC § 11395 (drug) cases accounted for 2.2% of admissions and PC § 666.1 (theft) cases accounted for 3.5%.

Since January 2025, there have been 27,929 admissions to prison. There have been 250 admissions for HSC § 11395 (drug) cases, which account for 0.9% of the total admissions.

There have been 606 admissions for PC § 666.1 (theft) cases, which account for 2.2% of the total admissions.

To see additional trends in CDCR admissions, please visit [California Prison Population Dashboards](#).

FIGURE 2: Current population of people incarcerated in prison for Prop 36 offenses



Source: California Department of Corrections and Rehabilitation (2025 - 2026)

As of January 2026, the current population in CDCR custody is 91,353.

Of those, 209 people are incarcerated for HSC § 11395 (drug) cases, which accounts for 0.2% of the current population.

488 people are incarcerated for PC § 666.1 (theft) cases, which accounts for 0.5% of the current population.

### Enhancements

Since January 2025, 54 people have been admitted to CDCR custody with PC § 12022.6 (property destruction) and fewer than five have been admitted with PC § 12022.65 (acting in concert) as part of their sentence.

## Treatment-Mandated Drug-Possession Felony (HSC § 11395)

This section focuses on admissions and sentencing for HSC § 11395 cases since January 2025, with sentencing outcomes broken down by second-striker status and race/ethnicity.

### Admissions since January 2025

- 250 people were admitted to CDCR custody with HSC § 11395 (drug) as the controlling offense.
- 187 people were admitted with HSC § 11395 (drug) as a subordinate offense.
- In January 2026, 39 people were admitted with HSC § 11395 (drug) as the controlling offense and an additional 23 people were admitted with the HSC § 11395 (drug) as a subordinate offense.

### Sentence and demographic information

- The average sentence is 26.8 months. The median sentence is 24.0 months.
- 27.6% of admissions were sentenced as second-strikers.
  - Second-strikers: The average sentence is 41.3 months. Median sentence is 32.4 months.
  - Non-second strikers: The average sentence is 21.3 months. Median sentence is 15.6 months.

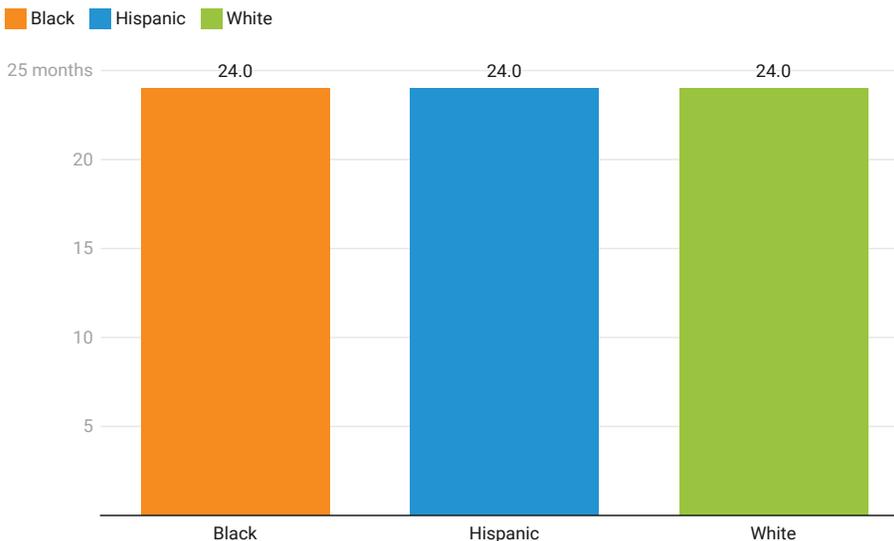
FIGURE 3: Share of HSC § 11395 admissions since January 2025 by race/ethnicity



Source: California Department of Corrections and Rehabilitation (2025 - 2026)

For context, the California population as a whole has the following racial/ethnic composition: 6.4% Black, 40.8% Hispanic, and 33.6% White ([2024 Census](#)).

FIGURE 4: Median sentence length for HSC § 11395 admissions since January 2025 by race/ethnicity



Source: California Department of Corrections and Rehabilitation (2025 - 2026)

## Petty Theft with Prior Offense (PC § 666.1)

This section focuses on admissions and sentencing for cases with PC § 666.1 as the controlling offense since January 2025, with sentencing outcomes broken down by second-striker status and race/ethnicity.

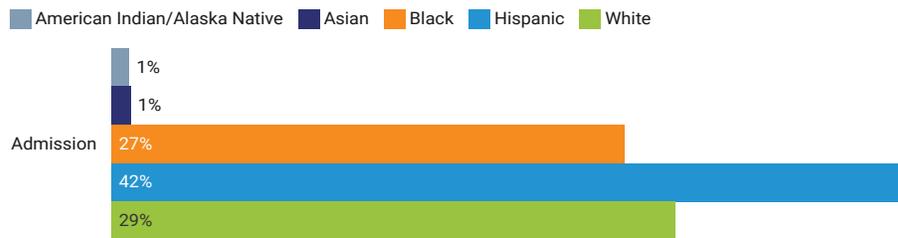
### Admissions since January 2025

- 618 people were admitted to CDCR custody with PC § 666.1 as the controlling offense.
- 214 people were admitted with PC§ 666.1 (theft) as a subordinate offense.
- In January 2026, 62 people were admitted with PC § 666.1 (theft) as the controlling offense and an additional 31 people were admitted with PC § 666.1 (theft) as a subordinate offense.

### Sentence and demographic information

- The average sentence is 27.2 months. The median sentence is 24.0 months.
- 37.7% of those admitted were second strikers.
  - Second-strikers: Average sentence is 35.9 months. Median sentence is 32.4 months.
  - Non-second strikers: Average sentence is 22.0 months. Median sentence is 15.6 months.

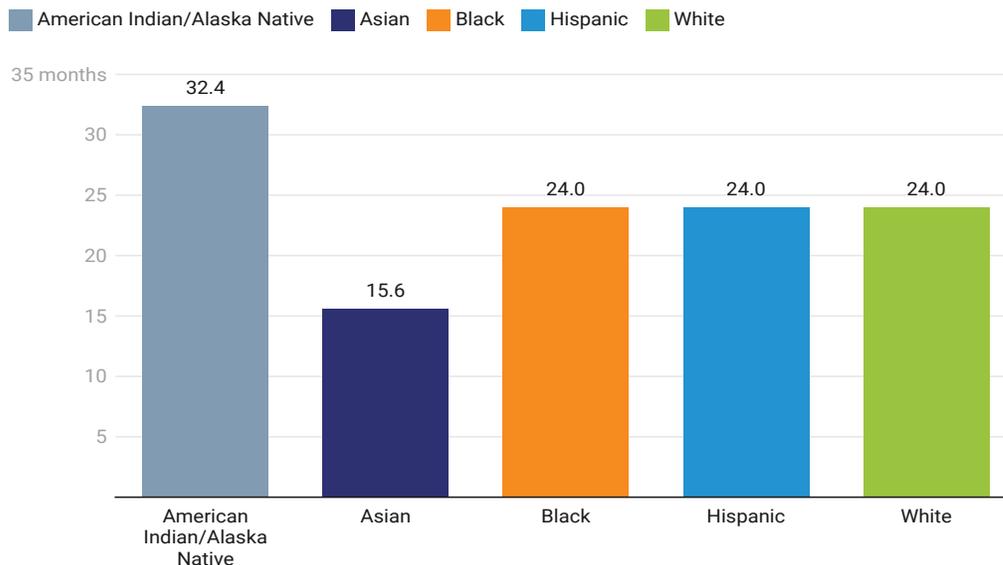
FIGURE 5: PC § 666.1 admissions since Jan 2025 by race/ethnicity



Source: California Department of Corrections and Rehabilitation (2025 - 2026)

For context, the California population as a whole has the following racial/ethnic composition: 1.8% American Indian/Alaska Native, 17.0% Asian, 6.4% Black, 40.8% Hispanic, and 33.6% White ([2024 Census](#)).

FIGURE 6: Median sentence length for PC § 666.1 admissions since Jan 2025 by race/ethnicity



Source: California Department of Corrections and Rehabilitation (2025 - 2026)

## ABOUT THIS RESEARCH

This research stems from a [partnership](#) between the California Policy Lab at the University of California and the [Committee on Revision of the Penal Code](#), a state agency that studies and makes recommendations to improve California's criminal legal system.

## METHODOLOGY

This document uses prison admissions data from the California Department of Corrections and Rehabilitation, accessed through a data use agreement with the Committee on Revision of the Penal Code.

In most figures and tables, the admission is classified by its controlling offense, which is the most serious conviction offense, as defined in the CDCR terms file. A subordinate offense refers to admissions where a person is admitted for a more serious charge, but is also convicted of a Proposition 36 offense. For the analysis presented in Figure 2, a person is defined as being "in custody" for a given month if they were incarcerated on the last day of that month.

Counts fewer than five are suppressed in accordance with the data use agreement to prevent potential reidentification. For this reason, we only report admissions and sentence length for racial/ethnic categories with sufficient sample size. All analyses were conducted on the California Policy Lab's secure server.

## ACKNOWLEDGEMENTS

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