

# ABOUT THE NONVIOLENT OFFENDER REHABILITATION ACT OF 2008 (NORA)

A new ballot measure sponsored by the Drug Policy Alliance and the Campaign for New Drug Policies was filed with the Attorney General on November 6, 2007. It is intended for the November 8, 2008, ballot, if fundraising is successful and sufficient signatures can be gathered this winter.

The new measure is aimed at revitalizing the drug treatment field and the state prison system. Tens of thousands of new clients, including youth under age 18, would be placed in treatment instead of being incarcerated each year, with expanded funding available to guarantee adequate treatment duration and quality. Rehabilitation would be elevated to a top priority within the state prison system. The Department of Corrections and Rehabilitation (CDCR) would soon handle fewer nonviolent parolees and would no longer return nonviolent parolees to prison for minor violations of parole. In detail, the new measure addresses the following issues:

**1.) Youth programs.** The measure invests about \$65 million per year into drug treatment programs for youth to build a system of care for young people under the age of 18 where none exists now. Additional money for youth treatment would come from fines paid for low-level marijuana possession offenses.

**2.) Diversion programs for adults.** The measure creates a unified system of care with three levels, and provides \$385 million per year to pay for treatment and related costs:

- **Track I**, much like the current Penal Code 1000 statute, provides treatment in nonviolent drug possession cases, with a plea held in abeyance during treatment. (The existing PC 1000 is left intact; however, many who qualify will wind up in Track I, because treatment is funded.) Defendants who wash out go to Track II.
- **Track II**, a modified version of the Prop. 36 statute, provides for treatment after a conviction. A longer treatment period is possible (up to 24 months). Graduated sanctions are permitted upon the first probation violation; jail sanctions are permitted later. Defendants who fail can be sentenced to county jail or transferred to Track III.
- **Track III** encompasses all current drug court programs for adult felons, and expands those programs by more than doubling funding. Eligibility for Track III is discretionary with the judge, with just one exception: persons fitting the profile of a “high-cost offender,” identified by UCLA in studies of Prop. 36, would be automatically placed in Track III, instead of Track II. Judges could place anyone convicted of a nonviolent offense in treatment under Track III, provided that the offender’s behavior is primarily motivated by substance abuse problems, and could require defendants to serve a part of their sentences before beginning treatment.

**3.) Prison system and parole reforms.** The measure adds a second secretary to the Department of Corrections and Rehabilitation, to be known as the *Secretary of Rehabilitation and Parole*, and assigns responsibility for all current and future divisions and programs related to parole, recovery, rehabilitation and re-entry to the new secretary. The new secretary would be appointed by the governor, but would serve a six-year term thereafter. In addition:

- Prisons would be required to provide rehabilitation programs to exiting inmates not less than 90 days before release.
- CDCR would be required to pay for rehabilitation programs for parolees and for former parolees, who could request services for up to one year after discharge.
- Prison inmates whose crimes are nonviolent (with no prior strikes, no prior sex offenses requiring registration) would be able to earn time off their sentences for good behavior and for participating in rehabilitation programs.
- Parole periods for qualifying nonviolent offenders would be limited to between 6-12 months, compared with up to 3 years under current law, with earlier discharge upon completion of a rehabilitation program.

**4.) Savings to the state.** The measure injects a strong emphasis on rehabilitation and treatment into the state's criminal justice policies and practices. Resulting drops in incarceration, particularly in state prisons, will save billions of dollars. While projections are still being developed, some factors to consider include:

- Prop. 36, which appropriated \$120 million per year for five years, saved the state at least \$1.3 billion over that period. In a rigorous analysis tied to hard data, UCLA researchers found that the measure saved \$2.50 for every dollar invested, and \$4.00 for every dollar spent on people who completed drug treatment.
- With \$460 million devoted to drug treatment for arrestees, the new measure will deliver higher-quality treatment, better matched to individuals' needs, for a growing number of clients. Treatment matching, like treatment duration, is closely correlated with greater success rates. In addition, the measure provides clearer links to Prop. 63 funding (Mental Health Services Act) and provides mental health funding for dually diagnosed clients.
- CDCR will be required to spend a greater portion of its annual budget on rehabilitation programs for inmates and parolees. The exact figures may not be known until the measure is implemented, but it is clear that the measure's limitations on incarceration and parole for nonviolent offenders will save thousands – likely tens of thousands – of prison beds each year, reaping billions of dollars in annual savings within a few years, despite increased spending on rehabilitation. The savings will be even more profound when measured against expected increases in the annual CDCR budget.

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For more information, please contact: Daniel Abrahamson, Proponent: (510) 229-5212, or Dave Fratello, Co-Author: (310) 394-2952