

# PROPOSITION 36/PENAL CODE SECTION 1210 COURT

## What is Penal Code Section 1210?

The voters of California passed Proposition 36, which created a special court for nonviolent drug possession offenses, called Penal Code section 1210 court. Penal Code 1210 is a sentencing law that requires the court to sentence you at first to probation and drug treatment rather than to jail or prison.

## Does 1210 Apply to You?

The law applies to you if you are convicted by plea or by trial of a nonviolent drug possession offense.

**Nonviolent drug possession offenses are:**

- Simple possession of drugs
- Transportation of drugs for personal use
- Being under the influence of drugs

**You do not qualify if you are convicted of non-drug related offenses in the same case.**

Penal Code 1210 also applies to those who are on probation for a nonviolent drug possession offense and then violate a drug related term of their probation.

## What Happens if Penal Code 1210 Sentencing Applies to Me?

If you agree to 1210 sentencing, you be placed on probation and ordered into drug treatment.

You may also be ordered to:

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| Participate in educational or job training | Not go into bars or liquor stores  |
| Give random chemical tests                 | Pay a restitution fund fine  |
| Perform volunteer work                     | Pay an attorney fee (if you had an attorney appointed by the court to represent you) |
| Be subject to search by law enforcement    |  |
| Not use illegal drugs or consume alcohol   |  |

**You will have to return to court on a regular basis to make sure that you are following the court's orders and are participating in treatment.**

You will have to go to an intake interview and then an assessment interview. Trained drug counselors will determine what level of drug treatment and other services you need. The drug treatment that is ordered can range from an educational program, outpatient treatment, or residential treatment. The treatment can last up to one year, with up to six months of aftercare.

After you have completed your drug treatment and aftercare, you can return to the court and request that the charges be dismissed (even if you are still on probation). A dismissal will not happen automatically. You must request a dismissal through your attorney.

## Will the Drug Treatment Cost Money?

If you have the ability to pay for some or all of your treatment and drug testing, you will be required to do so. The ability to pay is determined by your income on a sliding scale.

## Will I Be Sentenced to Jail or Prison?

At first, you cannot be sentenced to jail (or prison, if you are convicted of a felony). If you violate probation by relapsing, violating a drug condition or committing a new nonviolent drug possession offense, you will not be sentenced to jail or prison unless you are danger to others. If you take off from probation supervision, commit a new non-drug related offense or violate a non-drug related condition of probation, you can be sentenced to jail or prison.