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DA Zimmer Announces First Graduate of Proposition 36 Drug Treatment Program

(Bakersfield) – Kern County District Attorney Cynthia Zimmer is proud to announce the graduation of Luis Miguel Torres, the first individual to successfully complete the Proposition 36 Drug Treatment Program in Kern County, and thereby have his felony charge of “hard drug” possession with two or more prior convictions dismissed.

Proposition 36, formally known as the Homelessness, Drug Addiction, and Theft Reduction Act, was passed by voters in November 2024 and took effect on December 18, 2024. The proposition allows individuals convicted of certain non-violent drug-related offenses to opt for court-supervised rehabilitation in lieu of incarceration, focusing on long-term public safety solutions.

On January 30, 2025, Torres was stopped by Bakersfield Police Officers for operating a bicycle without the appropriate safety gear and on the wrong way of the sidewalk. A records check revealed that Torres had four outstanding warrants for his arrest. A search also revealed methamphetamine on his person. On February 18, 2025, Luis Miguel Torres entered a plea of no contest to one count of HS 11395(b)(1) – Possession of a Controlled Substance with Two Prior Convictions in court case BF203025A. At the time of his conviction, Torres had six prior drug convictions.

Because Torres’ primary offense was unlawful drug possession, the District Attorney’s Office agreed that Torres would be eligible for the treatment program. Torres opted into the rehabilitation program, which requires strict compliance with program terms, including individual and group counseling as well as drug testing. Today the court acknowledged that Torres has completed the program with exceptional attendance, excellent participation, clean drug tests, and no new law violations. The court granted the request that his drug possession case be dismissed.

Prior to the arrest in January of 2025 that resulted in the treatment, Torres had several arrests and prosecutions for multiple cases, largely related to drugs and theft-related crimes. Since his arrest in January 2025 and participation in the treatment program, Torres has not been charged with any new crimes.

The Kern County District Attorney's Office has filed 826 drug-related felony cases since the new law took effect in December of 2024. Not all cases are good candidates for treatment, particularly when primary offenses charged are more serious crimes that warrant jail or prison sentences. Treatment programs are generally reserved for instances in which felony drug possession is the most serious charge. More than 100 felony drug possession defendants charged under Proposition 36 have opted for referrals to treatment programs, which are administered by professional rehabilitation providers and participation for which is monitored by the courts. Judges handling drug treatment court monitor participants and ensure that participants are complying with program terms, including attendance at counseling and drug testing. While there are several participants who are performing well in treatment programs who are expected to complete their programs soon, Mr. Torres' exemplary attendance and performance have merited his case the distinction of being the first to reach the milestone of having his case dismissed as a result of competition of the drug treatment program.

Non-compliance with treatment program terms, including excessive absences, unsatisfactory participation, poor drug test results, or the commission of new crimes while undergoing the treatment alternative, is cause for participants to be excluded from the program, resulting in felony sentencing for the initial crime, which generally results in years of jail or prison time. These penalties added by Proposition 36 have served to provide a strong incentive to comply with treatment program terms and allow for a custodial punishment to preserve public safety in cases where participants decline to take the treatment program seriously or otherwise reoffend.

District Attorney Cynthia Zimmer stated, "This is exactly the kind of success Proposition 36 was designed to create: transformative rehabilitation that prioritizes public safety, accountability, and an opportunity to reform. I am hopeful that Mr. Torres will continue his recovery and am optimistic about what this program can continue to achieve for our community, and those who are battling drug addiction."